

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1488630-000

Total Deleted Page(s) = 73

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FBI

Date: 6/26/69

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Priority)

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

TO: DIRECTOR, FBI

FROM: SAC, WFO (62- )

DAVID DELLINGER  
ET AL  
vs. ATTORNEY GENERAL  
JOHN N. MITCHELL AND  
FBI DIRECTOR  
JOHN EDGAR HOOVER  
ALLEGED VIOLATION OF  
CONSTITUTIONAL RIGHTS

#351-295 9803 RDD/CCF/10pm  
10/25/75  
3/5/82  
10/7/93 9803 RDD/CCF/10pm  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-90 BY SP2 TAP/CCF  
3-13-92 8123 MCN/CCF  
315820

The records of the U.S. District Court, for the District of Columbia, WDC., reviewed June 26, 1969, reflected the following concerning civil action, case number 1768-69 concerning captioned matter:

On June 26, 1969, a civil action suit was filed with ROBERT M. STEARMS, Clerk, U.S. District Court, on behalf of plaintiffs:

DAVID DELLINGER

RENNARD DAVIS

THOMAS HAYDEN

JERRY RUBIN

ENCLOSURE

- 2 - Bureau  
1 - Chicago (RM) (AM)  
1 - New York (RM)  
1 - San Francisco (RM) (AM)  
1 - Portland (RM) (AM)  
1 - Louisville (RM) (AM)  
1 - WFO

CEG:mee  
(8)Approved: *[Signature]*

Sent \_\_\_\_\_ M Per \_\_\_\_\_

55 JUL 31 1969 Special Agent in Charge

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b7CREC-104  
MCT-8

112989

JUL 17 1969

WFO 62-

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ABBOTT HOFFMAN

BOBBY SEALE

JOHN FROINES

LEE WEINER

The Black Panther Party  
For Self Defense  
Student Non-Violent  
Coordinating Committee

Congress of Racial Equality

The Southern Conference  
Educational Fund

American Servicemen's Union

National Mobilization  
Committee to End the War  
in Vietnam

New York Resistance

Catholic Peace Fellowship  
War Resisters League

Oakland, California

100 Fifth Avenue, New York,  
New York

200 West 135th Street, New York,  
New York

3210 West Broadway, Louisville,  
Kentucky.

156 Fifth Avenue, New York,  
New York

339 LaFayette Street, New York City

339 LaFayette Street, New York City

339 LaFayette Street, New York City

339 LaFayette Street, New York City

This civil action suit was filed against defendants JOHN N. MITCHELL, Attorney General of the United States, and JOHN EDGAR HOOVER, Director, FBI, individually and in their official capacities. This action is a Complaint for Declaratory and Injunctive Relief and For Damages.

The attorneys for the plaintiffs are:

WFO 62-

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b7C

HERMAN SCHWARTZ

MELVIN L. WULF

WILLIAM M. KUNSTLER

ARTHUR KINOY

WILLIAM J. BENDER

EDWARD CARL BROEGE, JR.

CHARLES GARRY

The bill of complaint bears the signature of WILLIAM M. KUNSTLER. The complaint alleges this is a civil action arising under the Constitution and laws of the United States more particularly the First, Fourth, and Ninth Amendments to the Constitution; Section 605 of The Communications Act of 1935 and Chapter 119 of Title 18, U.S. Code (The Omnibus Crime Control and Safe Streets Act of 1968).

The complaint stated cause of action was based on the pending matter of "U.S. vs. DELLINGER, Et Al, Case Number 69CR180 in U.S. District Court, Northern District of Illinois, Eastern Division."

This action states plaintiffs seek relief  
(1) Declaratory - that the Court declare the policies, practices, and judicial limitations as advocated and announced by defendants violate the First, Fourth, and Ninth Amendments to the Constitution as well as Title 47, U.S. Code, Section 605, with respect to electronic

WFO 62-

surveillances prior to June 10, 1968, and Title 18, U.S. Code, Section 2510, et seq, with respect to electronic surveillances subsequent to June 10, 1968.

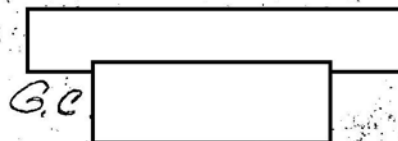
(2) Injunctive: - that this Court issue a permanent injunction prohibiting all electronic surveillances of the plaintiffs and the class they represent and any further implementation of the policies, practices, and judicial limitations announced and set forth in the appendix to the complaint and elsewhere. (The appendix to the complaint consisted of a copy of the action previously mentioned, U.S. vs. DELLINGER, Et Al in U.S. District Court, Northern District of Illinois, Eastern Division).

The plaintiffs seek Damages: that the Court award actual damages, but not less than liquidated damages at the rate of \$100 per day for each day of violation or \$1,000, whichever is higher. Also the plaintiffs seek damages for violation of Title 47, U.S. Code, Section 605, for events prior to June 10, 1968. Also the plaintiffs requested reasonable attorneys fees and other litigation costs.

Plaintiffs seek Mandamus and Other Relief: that this Court issue an order of mandamus or other relief to compel the criminal prosecution of defendants and their agents and others.

- 4 -

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UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. W. C. Sullivan *WCS*

DATE: June 27, 1969

FROM : C. D. Brennan *CDB*

SUBJECT: DAVID DELLINGER ET AL  
vs. ATTORNEY GENERAL  
JOHN N. MITCHELL AND  
FBI DIRECTOR  
JOHN EDGAR HOOVER  
ALLEGED VIOLATION OF  
CONSTITUTIONAL RIGHTS

10/7/93 9803RDD/SC  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/7/81 BY SP5 RJG/np  
3-13-92 8123 mch/MS  
351, 295  
10-25-95 9803RDD/80  
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*per* Reference is made to the attached airtel which indicates that a civil suit was filed in the United States District Court, Washington, D. C., on 6/26/69 against the Attorney General and the Director. The Director approved our recommendation that we discuss this with the Department to see what course of action should be taken.

I contacted Assistant Attorney General J. Walter Yeagley of the Internal Security Division and Departmental Attorney Carl Eardley of the Civil Division. They said they have not as yet been served with the papers and that it has not as yet been decided within the Department who will handle the matter. I was advised that the United States Attorney would accept service, after which the Department would decide the appropriate action to be taken. I was also advised that if efforts are made to serve a Bureau official, we should accept service and notify the Department, after which they would keep us advised as to the appropriate steps to be taken. I requested them to furnish us a copy of the papers as soon as received. They indicated they would do so.

## ACTION:

None. We will continue to follow this matter closely and keep you advised of pertinent developments.

- 1 - Mr. DeLoach
- 1 - Mr. Mohr
- 1 - Mr. Bishop
- 1 - Mr. Rosen
- 1 - Mr. Gale
- 1 - Mr. Callahan
- 1 - Mr. Sullivan
- 1 - Mr. G. C. Moore
- 1 - Mr. C. D. Brennan

CDB/1969  
(10) Enclosure

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

REC-102  
*WCS*

62 - 112989 *2*

*DHS*

JUL 17 1969

25/  
51 JUL 13 1969



Domestic Intelligence Division

INFORMATIVE NOTE

Date 6/26/69

Attached relates that a civil suit was filed in U. S. District Court, Washington, D. C., on 6/26/69 against John N. Mitchell, Attorney General of the U.S. and John Edgar Hoover, Director, FBI. The complaint, which was signed by William M. Kunstler, Attorney for the Black Panther Party on behalf of several individuals and organizations, seeks relief from electronic surveillances and damages at the rate of \$100 per day for each day of violation or \$1,000 whichever is higher plus attorney's fees and other costs.

David Dellinger, mentioned in attached is one of several persons indicted for violation of the Anti-riot Laws Statute in connection with demonstrations during the Democratic National Convention in Chicago, Illinois, last August.

If approved, this matter will be discussed with the Department to determine what course of action will be taken.

ABK:rel

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10/7/81 BY SP5 RJA/lp

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10/7/93

Assistant Attorney General  
Internal Security Division

Director, FBI

REC-102

112989-3

1 - Mr. DeLoach  
1 - Mr. Mohr  
1 - Mr. Bishop

July 2, 1969

1 - Mr. Rosen  
1 - Mr. Gale  
1 - Mr. Callahan  
1 - Mr. Sullivan  
1 - Mr. G.C. Moore  
1 - Mr. C.D. Brennan  
1 - Mr. Rozamus

DAVID DELLINGER ET AL vs.  
ATTORNEY GENERAL JOHN N. MITCHELL  
AND FBI DIRECTOR JOHN EDGAR HOOVER  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Enclosed are a copy of a Summons in a Civil Action  
and a Complaint for Declaratory and Injunctive Relief and for  
Damages, Civil Action File Number 1768-'69, dated June 26,  
1969, captioned as above.

This is to confirm the telephone conversation of  
Deputy Assistant Attorney General John F. Doherty and  
Mr. C. D. Brennan of this Bureau on July 1, 1969.

The enclosures are being sent to you as suggested  
by your representative. It would be appreciated if you would  
continue to keep this Bureau advised of all pertinent develop-  
ments arising from this matter.

Enclosures - 2

CDB:sss  
(13)

NOTE:

See memorandum C. D. Brennan to Mr. W. C. Sullivan,  
captioned as above, dated July 1, 1969, prepared by CDB:sss.

MAILED 10

JUL 2 - 1969

COMM-FBI

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
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Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

56 JUL 30 1969

MAIL ROOM ☐

TELETYPE UNIT ☐

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/7/81 BY SP-5 RIG/ly

UNITED STATES GOVERNMENT

# Memorandum

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
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Gandy \_\_\_\_\_

TO : Mr. W. C. Sullivan

DATE: June 30, 1969

FROM : Mr. C. D. Brennan

SUBJECT: DAVID DELLINGER ET AL vs.  
ATTORNEY GENERAL JOHN N. MITCHELL  
AND FBI DIRECTOR JOHN EDGAR HOOVER  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Reference is made to my previous memoranda in this matter dated 6/27 and 6/30/69, regarding the action the Bureau should take in the event papers would be served on any Bureau official in connection with a suit filed against the Attorney General and the Director. As indicated in the referenced memoranda, Departmental attorneys advised it had not as yet been decided who would handle the matter in the Department, but that upon receipt of papers served we should promptly contact the Department for further guidance.

At 5 pm this date, I received a call from Supervisor [redacted] of the Washington Field Office (WFO). He said a U. S. Marshal had served the papers to the Assistant Special Agent in Charge of WFO and that service had been accepted. I told him to forward the papers to the Bureau.

I called Assistant Attorney General J. Walter Yeagley and in his absence, spoke to Departmental Attorney [redacted] to advise him we had been served. [redacted] said it still had not been decided in the Department who would handle the matter and they plan to discuss it on the afternoon of 7/1/69. I told him I would recontact him then to determine what course of action the Department intended to take. As of now no immediate action is necessary and we will follow this closely with the Department and keep you advised of pertinent developments.

## RECOMMENDATION:

For information.

CDB:chs (11)

- 1 - Mr. DeLoach
- 1 - Mr. Mohr
- 1 - Mr. Bishop
- 1 - Mr. Rosen
- 1 - Mr. Gale

- 1 - Mr. Callahan
- 1 - Mr. Sullivan
- 1 - Mr. G.C. Moore
- 1 - Mr. C.D. Brennan
- 1 - Mr. Rozamus

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DATE 12/7/91 BY SP-3 RJA/100 8123 mcl/150

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62-112989-3  
JUL 7 1969

INT. SEC.

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UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. W. C. Sullivan

FROM : C. D. Brennan

SUBJECT: DAVID DELLINGER ET AL vs.  
ATTORNEY GENERAL JOHN N. MITCHELL  
AND FBI DIRECTOR JOHN EDGAR HOOVER  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

1 - Mr. DeLoach  
1 - Mr. Mohr  
1 - Mr. Bishop  
1 - Mr. Rosen  
DATE: June 30, 1969  
1 - Mr. Gale  
1 - Mr. Callahan  
1 - Mr. Sullivan  
1 - Mr. G.C. Moore  
1 - Mr. C.D. Brennan  
1 - Mr. Rozamus

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
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Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

Reference is made to my memorandum of 6/27/69, captioned as above, which reported my contact with Assistant Attorney General J. Walter Yeagley and Departmental Attorney [redacted] of the Civil Division. My memorandum pointed out that they had not as yet been served with the papers in captioned matter.

This morning [redacted] furnished the Bureau an unofficial copy of the papers received by the Department through the United States Attorney's Office. As of this time, the Department has not been officially served with the papers. When it becomes official, [redacted] stated that the Department will defend this matter and protect our interests.

The papers list 17 plaintiffs, 8 of whom are defendants in the case of U.S. vs. Dellinger, et al, and 9 antiwar and Black Power organizations. The action is directed against the Attorney General, the Director and others who ordered, conducted or in any way participated in electronic surveillances in issue. The plaintiffs request: The court declare that because of electronic surveillances, the defendants in the Dellinger case have had their First, Fourth and Ninth Amendments to the Constitution violated; that the court issue a permanent injunction prohibiting electronic surveillances of plaintiffs and others in their class; the court award actual damages, punitive damages and litigation costs; court compel the criminal prosecution of defendants; and give other reliefs deemed appropriate.

## ACTION:

None. We will continue to follow this matter closely and keep you advised of pertinent developments.

MJR:EPG/ss  
(11)

55 JUL 30 1969

REC-102

62-112989-4

JUL 17 1969

FBI

Date: 6/30/69

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_  
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, WFO (62- )

DAVID DELLINGER  
ET AL

vs. ATTORNEY GENERAL  
JOHN N. MITCHELL AND  
FBI DIRECTOR  
JOHN EDGAR HOOVER  
ALLEGED VIOLATION OF  
CONSTITUTIONAL RIGHTS

351,295  
10/25/95 9803 RDD/BCE/09  
10/7/93 9803 RDD/DJC  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

Re WFO airtel, 6/26/69.

DATE 12/7/81 BY SP-5 RJS/UP

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b7C

On the afternoon of instant date, the U.S. Marshal's Office, Washington, D.C., left the attached summons with ASAC [redacted], which according to its contents, requires defendants to serve upon WILLIAM M. KUNSTLER, Plaintiff's attorney, 1025 33rd Street, N.W., Washington, D.C. Answer to the complaint within twenty days of service. A copy of the summons mentions the Director of the FBI as the defendant and the representative of the U.S. Marshal's Office stated that he had already delivered a copy of the summons to the office of the Attorney General, who is also defendant in instant action.

WFO will await Bureau instructions in this matter.

au (Enc. 1)

REC-102

112989-5

JUL 17 1969

Sent \_\_\_\_\_ M Per \_\_\_\_\_

Agent in Charge

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. W. C. Sullivan

DATE: July 1, 1969

FROM : C. D. Brennan

SUBJECT: DAVID DELLINGER ET AL vs.  
ATTORNEY GENERAL JOHN N. MITCHELL  
AND FBI DIRECTOR JOHN EDGAR HOOVER  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
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Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

Reference is made to my previous memorandum in this matter dated 6/27/69 regarding the action the Bureau should take in the event papers are served and my memorandum dated 6/30/69 pointing out that papers were served and that the Department had not decided what division would handle this matter.

On 7/1/69 Deputy Assistant Attorney General [ ] advised me that the Department still has not decided what division will handle this matter but noted there is plenty of time since no action is necessary for 60 days. He said we could forward the papers which were served upon Assistant Special Agent in Charge of Washington Field Office on 6/30/69 by the U.S. Marshal to Assistant Attorney General J. Walter Yeagley and they would handle the matter and notify us of any future action necessary.

b6  
b7C

## RECOMMENDATION:

That the attached letter to Assistant Attorney General J. Walter Yeagley with the enclosed papers served in captioned case be sent.

CDB:sss  
(11) *res*

Enclosure *sent 7-2-69 WEL*

- 1 - Mr. DeLoach
- 1 - Mr. Mohr
- 1 - Mr. Bishop
- 1 - Mr. Rosen
- 1 - Mr. Gale
- 1 - Mr. Callahan
- 1 - Mr. Sullivan
- 1 - Mr. G.C. Moore
- 1 - Mr. C.D. Brennan
- 1 - Mr. Rozamus

25/  
5 JUL 30 1969

REC-102  
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ALL INFORMATION CONTAINED  
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DATE 12/7/81 BY SP-5 RLB/vp  
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Assistant Attorney General  
Internal Security Division

Director, FBI 62-112989-

EX-100  
REC-28  
DAVID DELLINGER ET AL vs.  
ATTORNEY GENERAL JOHN H. MITCHELL  
AND FBI DIRECTOR JOHN EDGAR HOOVER  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

1 - Mr. DeLoach  
1 - Mr. Mohr  
1 - Mr. Bishop  
July 28, 1969

1 - Mr. Casper  
(Attn. D.J. Dalbey)  
1 - Mr. Rosen  
1 - Mr. Gale  
1 - Mr. Callahan  
1 - Mr. Sullivan  
1 - Mr. G.C. Moore  
1 - Mr. C.D. Brennan  
1 - Mr. Rozamus

Enclosed is a copy of a "Notice to Take Deposition," Civil Action File Number 1768-'69, addressed to the Attorney General advising that the plaintiffs seek to take a deposition at 10 a.m. on September 3, 1969, from "John F. Malone, Special Agent," Federal Bureau of Investigation, New York, New York. It is to be noted Mr. Malone is the Assistant Director who is in charge of our New York Office.

I would appreciate your continuing to keep me advised of all pertinent developments arising from this matter.

Enclosure

JFF:SSS  
(14)

NOTE:

This relates to the case in which a suit was filed in U.S. District Court, Washington, D.C., on 6/26/69 against the Attorney General and the Director. The complaint, which was signed by William M. Kunstler, attorney for the Black Panther Party, on behalf of several individuals and organizations, seeks relief from electronic surveillances and damages at the rate of \$100 per day for each day of violation or \$1,000, whichever is higher, plus attorneys' fees and other costs.

Assistant Attorney General Yeagley on 7/23/69 advised that the Internal Security Division of the Department is coordinating this matter and is collaborating with attorneys of the Civil Division, since it involves civil action, along with attorneys in the Criminal Division, inasmuch as some plaintiffs in the suit are also defendants who are scheduled to come to trial in Chicago the latter part of September, 1969, having been charged with violations of the Antiriot Laws. He added the most likely action to be initiated by the Department would be a motion to dismiss, but that Departmental attorneys were also considering a motion to delay the civil action

NOTE CONTINUED PAGE TWO

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
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Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

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1 AUG 13 1969

Letter to Assistant Attorney General  
Internal Security Division

RE: DAVID DELLINGER ET AL vs. ATTORNEY GENERAL JOHN N. MITCHELL  
AND FBI DIRECTOR JOHN EDGAR HOOVER

NOTE CONTINUED:

pending the outcome of the trial of the plaintiffs to be held in Chicago the end of September.

With regard to the previous "Notice to Take Deposition" from the Director, the Department is considering a motion to vacate but Yeagley assured on 7/23/69 that in any event the Department will take the appropriate action to insure that the Director will not be required to appear at any hearings. He added that this matter will be followed closely and we will be promptly advised when action has been taken.

This matter is being closely followed.



FBI

Date: July 23, 1969

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Priority)

TO : DIRECTOR, FBI

FROM: SAC, NY

DAVID DELLINGER, ETAL vs.  
 ATTORNEY GENERAL JOHN N. MITCHELL and  
 FBI DIRECTOR J. EDGAR HOOVER ALLEGING  
 VIOLATION OF CONSTITUTIONAL RIGHTS

Attached for appropriate action by the Bureau and/or  
 the Department are two copies of a "notice to take deposition"  
 received at NY today regarding the proposed taking of a deposition  
 of ADIC John F. Malone at NYC on 9/3/69.

No action will be taken on this matter by NY in the  
 absence of Bureau instructions.

2-Bureau (Encl.s 2)  
 1-New York

JKP:MFB

REC-28

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DATE 12/7/81 BY SP-5 Jg/bp 315820  
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Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
 Special Agent in Charge

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DAVID BELLINGER et al., :  
Plaintiffs, :  
v. : Civil Action  
JOHN N. MITCHELL et al., : No. 1768-69  
Defendants. :

NOTICE TO TAKE DEPOSITION

To: John N. Mitchell  
Attorney General of the United States  
Department of Justice  
Constitution Avenue  
Washington, D.C. 20530

PLEASE TAKE NOTICE that on Thursday, September 3, 1969 at 10:  
a.m., the Plaintiffs, by their undersigned attorneys will take  
the Deposition by oral examination of John F. Malone, Special  
Agent, Federal Bureau of Investigation, Foley Square, New York,  
New York, before Beekman Reporting Service, notwys public of  
the State of New York at the office of The Law Center for  
Constitutional Rights, 582 Ninth Avenue, New York, New York,  
or some other convenient place.

The Deponent should bring with him the following:

- 1) All books, records, documents, tapes, logs,  
memoranda, or other tangible things or writings relat-  
ing to the use, or contemplated use of electronic  
surveillance of communications by telephone or other-  
wise of the individual plaintiffs named in the com-  
plaint including but not limited to those of the above  
described items which contain the contents, in whole or  
part, of such communications whether verbatim, excerpted,  
paraphrased, summarized or otherwise set forth.

MAY 31 1972  
REPRODUCED ORIGINAL-RETAIN

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2) All items specified in paragraph 1) hereof relating to communications of persons other than the individual plaintiffs, when such communications either mention or otherwise relate to activities of these plaintiffs, or are communications to which such plaintiffs, were parties.

3) All items specified in paragraph 1) hereof relating to:

- a) communications of those plaintiffs who are organizations;
- b) communications of members, agents, officers, of such organizations;
- c) communications of others which mention or otherwise relate to activities of such organizations; and,
- d) communications of others with such organizations to which members, agents, or officers of such organizations were parties.

4) All policy statements, memoranda, inter office communications, writings, correspondence and/or other tangible things setting forth the policies of the defendants concerning the use of electronic surveillance generally, and as applied to all the plaintiffs herein.

5) All records containing the names and present locations of all agents of Defendants Mitchell and Hoover and/or members and agents of their respective departments who have participated in electronic surveillance directed at:

- a) communications of any or all of the plaintiffs



b) communications of others concerning any of  
all of the plaintiffs; and,  
c) communications to which any or all plaintiffs,  
their members, agents, or officers, have been  
parties.

Respectfully submitted,

~~HERMAN SCHWARTZ~~  
~~77 West Eagle Street~~  
~~Buffalo, New York 14202~~

~~MELVIN I. WOLF~~  
~~American Civil Liberties Union~~  
~~156 Fifth Avenue~~  
~~New York, N. Y. 10010~~  
~~WILLIAM M. KUNSTLER~~  
~~1025 22nd St. N.W.~~  
~~Washington, D.C.~~

~~ARTHUR KINOV~~  
~~WILLIAM E. BENDER~~  
~~EDWARD CARL PROEGER, JR.~~  
~~588 Ninth Avenue~~  
~~New York, N. Y.~~

~~CHARLES J. BRY~~  
~~501 Emment Building~~  
~~341 Market Street~~  
~~San Francisco, California 94105~~

Attorneys for Plaintiffs

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. W. C. Sullivan

FROM : C. D. Brennan

SUBJECT: DAVID DELLINGER, et al. v. Attorney General, et al.  
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

1 - Mr. C. DeLoach  
1 - Mr. J. F. Mohr  
1 - Mr. T. E. Bishop  
1 - Mr. J. J. Casper  
1 - Mr. A. Rosen  
DATE: 8/13/69  
1 - Mr. W. C. Sullivan  
1 - Mr. C. D. Brennan  
1 - Mr. M. J. Rozamus

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

## SYNOPSIS:

This suit involves the Director as one of the defendants. Department's letter of 8/11/69 in captioned case enclosed copies of "Interrogatories" and "Request for Admission of Facts Under Rule 36". The Department plans to file initial pleadings on 8/15/69 with request for Motion to Stay or Motion to Dismiss. It requests answers be furnished by Bureau to questions in the two documents or advise if compilations of data would consume unwarranted amount of time. The "Interrogatories" inquire whether electronic surveillances have been used on the plaintiffs, their officers, agents, members or employees. Seventeen plaintiffs are involved of which eight are defendants in U. S. v. Dellinger criminal case in Chicago and nine organizations. Detailed data is requested such as contents of all tapes and communications resulting from coverage. To comply with request is virtually impossible. Also to appropriately consider the request plaintiffs should identify all of their members and furnish aliases and whereabouts of these people for past years. In view of this, Department is being informed compilation of data would consume unwarranted amount of time.

The Department on the date of 8/12/69 furnished us draft of Affidavit and Motion to Stay as a proposed possible pleading and a "Memorandum of Point and Authorities" to support stay and "Motion to Dismiss" with points of supporting such motion.

## RECOMMENDATION:

The attached letter be sent to the Department advising that unwarranted amount of time would be consumed in compiling data requested and that consideration should be given to pleading Motion to Dismiss rather than Motion to Stay, however, the final decision is being left to Departmental Attorneys.

Enclosure sent 8-14-69  
MJR:ckl  
(9)

DETAILS - PAGE TWO

This looks like a "paper" war. I suggest DeLoach and Brennan see Yeagley personally about the matter.  
CT:DSS

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10/25/95  
7803 RDD/bcl/101

EX-111

REC-72

62-112989-8

AUG 19 1969

1 - Mr. C. D. DeLoach  
 1 - Mr. J. P. Mohr  
 1 - Mr. T. E. Bishop  
 1 - Mr. J. J. Casper  
 1 - Mr. A. Rosen  
 1 - Mr. W. C. Sullivan  
 1 - Mr. C. D. Brennan  
 1 - Mr. E. P. Gargala  
 August 19, 1969

Assistant Attorney General  
 Internal Security Division  
 Director, FBI

REC-72 62-112989-8

EX-111

DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.  
 SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

This will confirm the discussion on August 15, 1969, between you and Assistant to the Director Cartha D. DeLoach and Section Chief C. D. Brennan of this Bureau concerning the civil action captioned above.

As it was pointed out to you, the requests of the plaintiffs in the "Interrogatories" and "Request for Admission of Facts Under Rule 36" were so broad that this Bureau could not possibly consider responding to these demands. You agreed that this Bureau should not be subject to demands of this nature and assured that every measure would be taken to prevent such action. You stipulated that if any judicial hearing demanded a response every step will be taken to insure that the requests would be narrowed in scope to that which would be logical, reasonable and in keeping with the intent of existing law. You also indicated the possibility of an aggressive counteraction against the plaintiffs relative to the taking of depositions under oath that would cause the exposure of the identities of their officers, members and employees.

This Bureau would appreciate your continuing to advise us of current developments in captioned case.

EPG:lis  
 (11)

NOTE:

ALL INFORMATION CONTAINED  
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 DATE 12/7/81 BY SP-5 sijg/r

See memorandum C. D. DeLoach to Mr. C. A. Tolson, dated 8/18/69, captioned as above and prepared by EPG:lis.

Tolson \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Bishop \_\_\_\_\_  
 Casper \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 Felt \_\_\_\_\_  
 Gale \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Sullivan \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holmes \_\_\_\_\_  
 Gandy \_\_\_\_\_

56 AUG 27 1969

MAIL ROOM ☐ TELETYPE UNIT ☐

Memorandum to Mr. W. C. Sullivan

RE: DAVID DELLINGER, et al. v. Attorney General, et al.  
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

DETAILS:

This civil suit involves the Director as one of the defendants.

Letter of 8/11/69 from Assistant Attorney General J. Walter Yeagley of the Internal Security Division of the Department enclosed a copy of "Interrogatories," and a copy of "Request for Admission of Facts Under Rule 36" from attorneys of plaintiffs in captioned case. The letter states the Department intends to file initial pleadings on 8/15/69, with two possible courses of action: (1) a Motion to Stay pending disposition of the U. S. v. Dellinger criminal case in Chicago which involves the individual plaintiffs in this case; or (2) Filing a Motion to Dismiss accompanied by a Motion to Stay all Discovery pending the court's determination of the Motion to Dismiss. The letter requests that answers to the two documents be furnished to the Department and adds that if compilation of the information necessary to answer the questions would consume an unwarranted amount of time, the Department should be so advised.

The Interrogatories state answers must be furnished by 8/20/69. It inquires whether electronic surveillances have been used on the plaintiffs, their officers, agents, members or employees. Seventeen plaintiffs are involved consisting of the eight defendants in the U. S. v. Dellinger criminal case and nine organizations such as The Black Panther Party for Self Defense, Congress of Racial Equality, and the New York Resistance. It requests data such as: whether plaintiffs were a target of the interception; involved in a conversation; mentioned during a conversation; time and location of the coverage; who authorized, installed and monitored the coverage; contents of all instructions and regulations; basis for the coverage; and the contents of all tapes and communications resulting from the coverage.

The Request for Admission of Facts Under Rule 36 states a reply must be furnished by 8/16/69 whether illegal and alleged legal electronic coverage was utilized on the plaintiffs and whether such coverage is presently being conducted.

DETAILS CONTINUED - OVER

Memorandum to Mr. W. C. Sullivan  
RE: DAVID DELLINGER, et al. v. Attorney General, et al.  
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

Of the eight plaintiffs who are defendants in the Chicago criminal case the Bureau has kept the Department informed on a continuing basis concerning any interception of conversations through electronic surveillances for referral to the court. This has been a time consuming task. To comply with the requests concerning the nine organizations which are plaintiffs in captioned case is virtually an impossible task. Before we could even give appropriate consideration to the requests it would be incumbent on the plaintiffs to provide us: addresses of each organization which is a plaintiff; list of their officers, agents, members and employees; a minimum description of each such individual consisting of true name, aliases, nicknames, and the individuals' whereabouts during the past years in order that appropriate field offices could make necessary checks of their records. Even if such data was provided, it would be essential to interview members of the organization to make certain that the reported membership is in fact true.

Furthermore, while the ultimate goal should be to secure dismissal of the action, immediate resistance should be made to the requested Interrogatories on the ground that the matter called for relates to the national security and as such is privileged and not subject to production and disclosure. Moreover, Rule 36 is designed simply to establish facts that are not in dispute. However, the plaintiffs are resorting to this Rule as a discovery device and attempting to obtain admission from the Government <sup>of</sup> alleged illegalities. Furthermore, a substantial part of the requested information is irrelevant and merely an harrassment.

In view of the above, the Department should be informed of the above observation and advised that the compilation of the information necessary to answer questions contained in the two documents would consume an <sup>un</sup>warranted amount of time and furthermore would be an impossible task even if limited in any respect.

The Department on 8/12/69 submitted a draft of an Affidavit and Motion to Stay as a proposed possible pleading for use in the civil case. This plea would request a stay



Memorandum to Mr. W. C. Sullivan

RE: DAVID DELLINGER, et al. v. Attorney General, et al.  
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

of all further proceedings in the civil case till 30 days after completion of the criminal case. The reasons would be that there is an identity of parties in the criminal and civil cases; the criminal case is to be tried shortly and civil discovery would coincide and interfere with the criminal case; civil discovery would take place when the criminal case is being prepared and tried; government witnesses could be subpoenaed to testify in the civil case prior to the criminal trial; the criminal files of the Department could be subjected to attempts at civil discovery in advance of the criminal proceedings and the plaintiffs in the civil case could claim the Fifth Amendment privilege against self-incrimination. These matters invite conflicts between the civil and criminal cases, therefore, the Department believes a stay would avoid unnecessary conflict resulting in a more efficient disposition of the issues involved.

Also on 8/12/69 the Department submitted a "Memorandum of Points and Authorities" in support of the stay of all proceedings pending the criminal case. This memorandum sets out civil and criminal rules and cases in point supporting the reasons why a stay should be granted, which reasons were set out above. In addition, the Department submitted the possible pleading of Motion to Dismiss together with Points and Authorities supporting such a motion. The Motion to Dismiss is based on plaintiff's lack of standing to maintain this action; the complaint fails to state the basis for injunctive relief, a justiciable controversy and fails to state a claim on which relief can be granted; the defendants are immune from suit; the complaint does not present a case for declaratory judgment and that no mandamus should issue. A last additional proposed pleading, namely a motion for a protective order pending determination of the Motion to Dismiss is being proposed by the Department.

There is enclosed a letter to Assistant Attorney General J. Walter Yeagley informing him that it is an impossible task to provide the information requested in the two documents which set forth the observations noted above. Suggestions set forth that strong consideration be given to filing a Motion to Dismiss rather than a Motion to Stay. This matter will be closely followed with the Department.

UNITED STATES GOVERNMENT

## Memorandum

1-Mr. DeLoach  
1-Mr. Sullivan  
1-Mr. Bishop

TO : MR. TOLSON

DATE: July 28, 1969

FROM : C. D. DE LOACH

SUBJECT

DAVID DELLINGER, ET AL. VERSUS  
ATTORNEY GENERAL JOHN N. MITCHELL AND  
FBI DIRECTOR JOHN EDGAR HOOVER  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Persuant to instructions, I talked to the Deputy Attorney General (DAG) on Friday, 7/25/69, concerning captioned matter. I told him that our Domestic Intelligence Division had discussed this matter with Assistant Attorney General Yeagley, Internal Security Division, and that Yeagley had promised that prompt action would be taken in this matter.

The DAG was advised that we would appreciate him closely following Yeagley on this matter in order to make certain that appropriate steps would be taken to quash the requested action by the captioned individual and his associates.

The DAG called for Yeagley in my presence and told him to be in his office at 11:00 a. m. that morning to discuss this matter. The DAG assured me that he would personally follow this case.

ACTION:

For record purposes. The Domestic Intelligence Division should make contact with Yeagley on a weekly basis, or more often if necessary, and send through appropriate memoranda reporting such contacts. This action should, of course, be taken until the matter is satisfactorily resolved in our favor.

ENCLOSURE

CDD:amr  
(4)

Tolson ☒  
DeLoach ☒  
Mohr ☒  
Bishop ☒  
Casper ☒  
Callahan ☒  
Conrad ☒  
Felt ☒  
Gale ☒  
Rosen ☒  
Sullivan ☒  
Tavel ☒  
Trotter ☒  
Tele. Room ☒  
Holmes ☒  
Gandy ☒

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- 315820

SI-117

REC-64

AUG 25 1969

CRIME RESEARCH

SENT DIRECTOR

57 SEP 8 3 1969

58 AUG 22 1969

It is utterly futile  
to follow up with  
Yeagley.

FIVE

July 28

Director, FBI

J. Walter Yeagley, Assistant Attorney  
General, Internal Security Division

DELLINGER, et al. v. ATTORNEY GENERAL, et al.

This is in regard to the recent Notice of Deposition which was served on you in the captioned case and which is returnable on August 28, 1969.

I wish to advise you that this Division in consultation with the Criminal and Civil Divisions, is presently preparing responsive pleadings to the Complaint and we are hopeful that we will be able to secure a dismissal of the Complaint without ever getting to the point of discovery proceedings. We also plan to file, in addition, an appropriate motion addressed to the Notice of Deposition with the expectation that the court would grant the motion although it might permit the submitting of pertinent written interrogatories. In any event, every possible legal step will be taken to protect you and the Department's interest in this case and you will be advised of our plans in this regard on a continuing basis.

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DATE 4/4/91 BY SP5 sig/rr

Original to Mr. DeLoach  
7-28-69

62-112989-9  
ENCLOSURE



UNITED STATES GOVERNMENT

# Memorandum

Tolson ☒  
DeLoach ☒  
Mohr ☐  
Bishop ☐  
Casper ☐  
Callahan ☐  
Conrad ☐  
Felt ☐  
Gale ☐  
Rosen ☒  
Sullivan ☐  
Tavel ☐  
Trotter ☐  
Tele. Room ☐  
Holmes ☐  
Gandy ☐

TO : Mr. W. C. Sullivan *WCS*

DATE: August 1, 1969

FROM : C. D. Brennan *CB*

SUBJECT: DAVID DELLINGER, ET AL VERSUS  
ATTORNEY GENERAL JOHN N. MITCHELL AND  
FBI DIRECTOR JOHN EDGAR HOOVER  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Reference is made to Mr. DeLoach's memorandum to Mr. Tolson dated July 28, 1969, in captioned matter wherein Mr. DeLoach instructed that the Domestic Intelligence Division contact Assistant Attorney General J. Walter Yeagley on a weekly basis to insure that the Department is giving this matter the attention it deserves to satisfactorily resolve it in our favor.

I ran into Yeagley accidentally on the afternoon of July 31, 1969, and took the opportunity to inquire of him whether the Department had yet determined what action it would take. He stated that it had not as yet been decided, but the most likely course of action being considered was to file a Motion to Dismiss. He noted that the Government had until August 28th to respond and he said he anticipated that the Department would take some action by August 20th. I reminded him that we would like to see this matter resolved promptly and he said he understood.

I will recontact Yeagley again in a week and if they still have not taken any action by that time, it might be well to consider another contact with the Deputy Attorney General to see if we could get some action since he assured Mr. DeLoach that he would personally follow the case.

## ACTION:

None. For information.

- 1 - Mr. DeLoach
- 1 - Mr. Mohr
- 1 - Mr. Casper (Attn: Mr. Dalbey)
- 1 - Mr. Bishop
- 1 - Mr. Sullivan
- 1 - Mr. C. D. Brennan
- 1 - Mr. Rozamus

SENT DIRECTOR  
8-1-69

70 AUG 28 1969

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Memo  
To Sullivan  
8/2/69  
COB

*CD Brennan*  
*Rozamus*  
*WCS*

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. W. C. Sullivan

FROM : C. D. Brennan

SUBJECT: DAVID DELLINGER, ET AL VERSUS  
ATTORNEY GENERAL JOHN N. MITCHELL AND  
FBI DIRECTOR JOHN EDGAR HOOVER  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

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Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

Reference is made to my attached memorandum of 8/1/69 in captioned matter in which it was indicated that Assistant Attorney General J. Walter Yeagley would be recontacted to determine if the Department had as yet initiated action in this matter.

I talked to Yeagley today and he said he is scheduled to discuss the matter with the Attorney General tomorrow to secure the Attorney General's approval for the course of action the Department will follow (He pointed out that the Attorney General is leaving town soon and is expected to be in California for 3 weeks.).

Yeagley said the action he intends to recommend would involve the filing of (1) a motion to dismiss and (2) a motion to vacate the taking of depositions. He said these would be filed together on or about 8/20/69 and would, in effect, constitute the Government's response in a manner which would then call for a judicial determination. This, in turn, would involve the filing of briefs by the plaintiffs and the Government before the determination could be made and the final outcome would most likely be some time in coming.

REC-23

62-112187-11

Yeagley said if the Attorney General approves his proposed action tomorrow, he will have the motions drafted and will promptly furnish us copies next week.

Since Yeagley is scheduled to see the Attorney General to discuss this tomorrow, it appears that we should now get a decision on the course of action that the Department will follow. It would appear that our best move now would be to recontact Yeagley early next week to insure that a decision has been made and also to insure that appropriate action is being taken within the Department.

## ACTION:

If you agree, I will recontact Yeagley no later than Tuesday of next week.

CDB:mls (8)

- 1-Mr. DeLoach; 1-Mr. Mohr;
- 1-Mr. Casper (Attn. Dalbey);
- 1-Mr. Bishop; 1-Mr. Sullivan;

1-Mr. C. D. Brennan; 1-Mr. Rozamus

COPY MADE FOR MR. TOLSON

Attachment

70 AUG 28 1969

Deputy A. G. has been on vacation. I will contact him on Monday, 8/11/69.

Deputy A. G. has been on vacation. I will contact him on Monday 8/11/69.

Yeagley has certainly taken his time. DeLoach should be Deputy

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. W. C. Sullivan *8/5*

DATE: July 23, 1969

FROM : C. D. Brennan *CB*

SUBJECT: DAVID DELLINGER ET AL vs.  
ATTORNEY GENERAL JOHN N. MITCHELL  
AND FBI DIRECTOR JOHN EDGAR HOOVER  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

Pursuant to Mr. DeLoach's instructions, I contacted Assistant Attorney General J. Walter Yeagley to advise him of the Bureau's receipt of the attached "Notice To Take Deposition" as part of the civil action which has been filed against the Attorney General and the Director in captioned matter. *200-24*

I told Yeagley we would like to have this matter promptly resolved and inquired of him whether it had been resolved in the Department who would handle the suit and what action was contemplated. Yeagley said the Internal Security Division of the Department is coordinating the matter and is collaborating with attorneys of the Civil Division, since it involves a civil action, along with attorneys in the Criminal Division inasmuch as some plaintiffs in the suit are also defendants who are scheduled to come to trial in Chicago the latter part of September, 1969, having been charged with violations of the Antiriot Laws. *B*

Yeagley said to date the course of action the Department contemplated taking had not been decided upon and he noted that the timing in the suit called for the Government to respond by September 2nd. I pointed out to him that the "Notice To Take Deposition" called for a

## Enclosure

- 1 - Mr. DeLoach
- 1 - Mr. Mohr
- 1 - Mr. Bishop
- 1 - Mr. Casper (Attn D.J. Dalbey)
- 1 - Mr. Rosen
- 1 - Mr. Gale
- 1 - Mr. Callahan
- 1 - Mr. Sullivan
- 1 - Mr. G.C. Moore
- 1 - Mr. C.D. Brennan
- 1 - Mr. Rozamus

CDB/pcn

(12) *pen*  
70 SEP 1 1969  
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18 AUG 27 1969

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DATE 12/7/81 BY SP2 Jig/bip 315820  
3-13-82 81255 AC d/SC

Memorandum to Mr. W. C. Sullivan  
Re: DAVID DELLINGER ET AL vs.  
ATTORNEY GENERAL JOHN N. MITCHELL  
AND FBI DIRECTOR JOHN EDGAR HOOVER

hearing by August 28, 1969. He said the Department had not as yet received its copy of this Notice, but in view of the August 28 date that, of course, action would be instituted by the Department prior to that time to kill the action. He said the most likely action to be initiated by the Department would be a motion to dismiss, but that Departmental attorneys also were considering a motion to delay the civil action pending the outcome of the trials of the plaintiffs to be held in Chicago the end of September. He said that since a "Notice To Take Deposition" had been received the Department might consider a motion to vacate in response to that, but he assured me that in any event the Department would take the appropriate action to insure that the Director would not be required to appear at any hearing.

Yeagley was unable to give me a specific date as to when the Department contemplated taking action, and I again stressed to him that we would like to see this speedily resolved. He assured me it would be closely followed and that we would be promptly advised when action was taken.

In view of the various legal ramifications entailed herein, it would appear desirable to have this matter followed on a close and continuing basis by Inspector [redacted] of the Legal Research Unit in the Training Division to insure that the Department is availing itself of all appropriate legal resources to protect the Bureau's interest in this suit.

b6  
b7C

RECOMMENDATION:

That this memorandum be referred to the Training Division so this matter can be closely followed by Inspector [redacted]

*chir*  
*I have appointment with Deputy A.G. this afternoon re this matter.*  
*OK. we go*  
*12/3*  
*✓*

UNITED STATES GOVERNMENT

# Memorandum

TO : MR. TOLSON

DATE: 8/11/69

FROM : C. D. DeLoach

cc Mr. DeLoach  
Mr. Mohr  
Mr. Casper  
Mr. Bishop  
Mr. Sullivan

SUBJECT:

DAVID DELLINGER, et al, versus  
ATTORNEY GENERAL JOHN MITCHELL and  
FBI DIRECTOR JOHN EDGAR HOOVER  
Alleged violation of  
Constitutional Rights

I talked with the Deputy AG at 2:55 p.m. today relative to the captioned matter. I told him that Yeagley, as usual, had given us a number of promises, but that we had yet to see anything concrete in this matter.

The Deputy AG stated that, on the basis of my last call to him, he had called Yeagley to his office and had "laid down the law" to him to the effect that action must be forthcoming immediately. He stated he had also told Yeagley if there was any difficulty at all Yeagley should get back in touch with him. The Deputy AG told me he would call Yeagley again this afternoon and insist that some positive action be taken immediately.

**ACTION:**

I will continue to follow this matter with the Deputy AG.

CDD:CSH (6)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 12/7/01 BY SP-5 RJA/SP

54 SEP 8 1969

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
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Casper \_\_\_\_\_  
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Gandy \_\_\_\_\_

REC-64

AUG 27 1969



ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 12/7/81 BY SP5/ijh/315820

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
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Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

Assistant Attorney General  
Internal Security Division  
Director, FBI

REC-58

62-112989-14X

- 1 - Mr. C. D. DeLoach
- 1 - Mr. J. P. Mohr
- 1 - Mr. T. E. Bishop
- 1 - Mr. J. J. Casper
- 1 - Mr. A. Rosen
- 1 - Mr. W. C. Sullivan

EX-102

August 14, 1969

- 1 - Mr. C. D. Brennan
- 1 - Mr. M. J. Rozamus

DAVID DELLINGER, et al. v. Attorney General, et al.  
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

*Marshall*  
*Daly*  
*att*

Reference is made to your letter of August 11, 1969, which enclosed a copy of "Interrogatories" and a copy of a "Request for Admission of Facts Under Rule 36." Your letter requested that this Bureau furnish the answers sought in the two documents or advise if compilation of the information would consume an unwarranted amount of time.

Reference is also made to your referral forms of August 12, 1969, which enclosed a proposed possible pleading for use in captioned case, a memorandum of points and authorities in support of the motion to stay all proceedings pending the criminal case, and a copy of motion to dismiss complaint.

Of the eight plaintiffs who are defendants in the Chicago criminal case, this Bureau has kept the Department informed on a continuing basis concerning interception of conversations through electronic surveillance for referral to the court. It is virtually impossible to comply with the requests concerning the nine organizations which are plaintiffs in captioned case. Before this Bureau can give appropriate consideration to the requests, it would be incumbent on the plaintiffs to provide us: addresses of each organization which is a plaintiff; a list of their officers, agents, members and employees; a minimum description of each such individual consisting of true name, aliases, nicknames and the individuals' whereabouts during the past years in order that appropriate field offices may make necessary checks of their records. If such data were provided, it would be essential to interview members of the organization to make certain that the reported membership is in fact true.

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COMM-FBI

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(11)

SEE NOTE PAGE TWO

AUG 19 1969

AUG 27 1969

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Assistant Attorney General  
Internal Security Division

Assuming that the necessary identifying data could be obtained, the work involved in such a search of our records would be tremendous and I believe entirely unwarranted. Furthermore, I believe it can be argued that the data requested by the "Interrogatories" should not be made available as much of it would relate to national security and is not subject to disclosure and production. Moreover, Rule 36 is designed simply to establish facts that are not in dispute. However, the plaintiffs are resorting to this Rule as a discovery device and attempting to obtain admission from the Government of alleged illegalities. Furthermore, a substantial part of the requested information is irrelevant and merely harassment.

Under the circumstances, no further action will be taken at this time to obtain the information requested by the "Interrogatories" unless advised to the contrary by you.

With reference to the filing of a motion to dismiss as against a motion to stay, while the ultimate goal is, of course, to secure dismissal of the action and serious consideration should be given to the possibility of accomplishing this at this time, the decision as to what actual legal steps are to be taken is one which should be made by Departmental Attorneys.

This Bureau would appreciate being promptly advised of all current developments in captioned case.

NOTE:

See memorandum C. D. Brennan to Mr. W. C. Sullivan, dated 8/13/69, captioned as above, prepared by MJR:ckl.

62-112989-8

This case involves a civil action filed by the defendants in the Chicago case who are charged with violations of the anti-riot statutes. In connection with the suit, the attorneys for the defendant, Dellinger, et al, obtained a motion for the taking of depositions concerning alleged wiretapping infringements against both the Attorney General and the Director. We have been following this matter closely with the Department with indications they plan to file this week a motion to dismiss the suit along with a motion to vacate the taking of depositions.

SEE REVERSE  
SIDE FOR  
CLASSIFICATION  
ACTION



UNITED STATES GOVERNMENT

# Memorandum

1 - Mr. C. D. DeLoach  
1 - Mr. J. P. Mohr  
1 - Mr. T. E. Bishop  
1 - Mr. J. J. Casper  
1 - Mr. A. Rosen

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
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Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

TO : Mr. C. A. Tolson

DATE: August 18, 1969

FROM : C. D. DeLoach

1 - Mr. W. C. Sullivan  
1 - Mr. C. D. Brennan  
1 - Mr. E. P. Grigalus

SUBJECT: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.  
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

Reference is made to memorandum of C. D. Brennan to W. C. Sullivan dated 8/13/69 which summarized requests for information on the part of plaintiffs in captioned case and the Department's plans to file pleadings. Our letter to the Department dated 8/14/69 advised that the Bureau did not intend to furnish plaintiffs with the voluminous unwarranted information concerning electronic surveillances.

Pursuant to instructions Section Chief C. D. Brennan and I contacted Assistant Attorney General J. Walter Yeagley on Friday, 8/15/69 to inform him that the FBI does not intend to engage in a "paper" war. It was emphatically pointed out to Yeagley that the Department's letter of 8/11/69 which enclosed "Interrogatories" and "Request for Admission of Facts Under Rule 36" and other additional facts for the plaintiffs was much too broad to consider a possible response.

I pointed out to Yeagley that the Bureau desired his assurance we would never have to respond to such a broad request of the plaintiffs. Yeagley said that he would assure that the Department would use every legal means to prevent this from ever happening. We told Yeagley that the Department must be more aggressive in challenging such actions, i.e. threaten the deposing of plaintiffs for the purpose of making them reveal the identities of their officers, members and employees when they pull tricks like this. Yeagley said that there was complete agreement within the Department including the Deputy Attorney General that the first step in this civil action should be a Motion to Stay which was filed by the Department on Friday, 8/15/69. He said steps have been taken to get a prompt judicial hearing regarding this on Monday, 8/18/69, before a judge who fully understands the nature of the harrassment technique being employed by the plaintiffs. Judge Ed Curran

Enclosure

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ALL INFORMATION CONTAINED  
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REC-15

DATE 12/7/81 BY SP-5 rjg/bp 351820

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3-13-92 812 JMC/ISC

Memorandum to Mr. C. A. Tolson

RE: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.  
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

will counsel Judge Flannery. He was confident the Motion to Stay will be granted. Yeagley pointed out that the Motion to Stay would not preclude the Government from filing a Motion to Dismiss or a Motion to Vacate the taking of depositions. Furthermore, in regard to taking depositions he said every measure would be used to insure that should such ultimately occur as a result of any judicial determination, the Department would insure that any such requests of the Bureau would be narrowed down in scope to that which would be reasonable. Actually, a Motion to Stay simply means that no action for the plaintiffs can be taken in civil court until all criminal action has been handled. This will take a long time. If the Government wins the criminal case against Dellinger, et al, then it is merely a matter of form to conclude the civil action.

Yeagley called me this morning to advise me that the Motion to Stay was heard this morning by Judge Curran. The Judge granted a temporary stay involving all proceedings in the civil suit until the Motion, which was filed, can be briefed and argued. The plaintiffs have until next Monday to respond with their brief; afterwards arguments will be heard. Yeagley said the decision which will then be forthcoming will undoubtedly be in our favor.

There is attached a letter to Yeagley confirming the results of the discussion with him.

RECOMMENDATION:

That the attached letter confirming the above be sent to the Department.

CS [signature] WEL [signature] [signature] ✓ [signature]  
OK.  
[signature]

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. W. C. Sullivan

FROM : C. D. Brennan

SUBJECT: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.  
SUIT TO ENJOINING WIRETAPPING BY THE DEPARTMENT

1 - Mr. C. D. DeLoach  
1 - Mr. J. P. Mohr  
1 - Mr. T. E. Bishop

DATE: August 29, 1969

1 - Mr. J. J. Casper  
1 - Mr. A. Rosen  
1 - Mr. W. C. Sullivan  
1 - Mr. C. D. Brennan

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
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Sullivan \_\_\_\_\_  
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Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

1 - Mr. E. P. Grigalus

## DETAILS:

This suit was filed in U. S. District Court, Washington, D. C., on June 26, 1969, against the Attorney General and the Director. The complaint, which was signed by William M. Kunstler, attorney for the Black Panther Party, on behalf of numerous individuals and organizations, seeks relief from electronic surveillances, damages and costs. The plaintiffs submitted "Interrogatories" and "Requests for Admission of Facts Under Rule 36" which were so broad that this Bureau advised the Department that we could not possibly consider responding to this type of a demand. The requests consisted of whether electronic surveillances had been used on the plaintiffs, their offices, agents, members, or employees and an admission of such use. In answer to these requests the Department filed a Motion to Stay in this civil action on August 15, 1969. Judge Curran granted a temporary stay and the plaintiffs were given until August 25, 1969, to respond with their brief, afterwards, arguments would be heard.

Inasmuch as this matter is being closely followed, [redacted] of the Internal Security Section, on August 28, 1969, contacted Assistant Attorney General J. Walter Yeagley to determine the status of this civil action. Yeagley advised that the attorneys for the plaintiffs contacted the Department and asked for a two-week delay in filing answers to the Motion to Stay. The Department orally agreed to this delay; however, as of this time, the plaintiffs had not filed a formal motion for a delay. This matter is being followed on a continual basis.

## ACTION:

None. For information.

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EX-111

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Mr. Tolson was advised 8/29/69 -

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DATE 12-7-81 BY SP-5 jg/hrs 10/25/95 9803 RDP/

ABJ

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

DAVID DELLINGER et al., :

Plaintiffs, :

v. :

Civil Action

JOHN N. MITCHELL et al., :

Defendants. :

NOTICE TO TAKE DEPOSITION

To: John N. Mitchell  
Attorney General of the United States  
Department of Justice  
Constitution Avenue  
Washington, D.C. 20530

PLEASE TAKE NOTICE that on Thursday, August 28, 1969 at 10:00 a.m., the Plaintiffs, by their undersigned attorneys will take the Deposition by oral examination of the defendant JOHN EDGAR HOOVER, Director, Federal Bureau of Investigation, Constitution Avenue, Washington, D.C. 20530, before Ward and Paul, a notary public of the District of Columbia at the office of Joseph L. Paul, Esq., 1001 Connecticut Avenue N.W., Room 410, Washington, D.C. or some other convenient place.

The Deponent should bring with him the following:

- 1) All books, records, documents, tapes, logs, memoranda, or other tangible things or writings relating to the use, or contemplated use of electronic surveillance of communications by telephone or otherwise of the individual plaintiffs named in the complaint including but not limited to those of the above described items which contain the contents, in whole or part, of such communications whether verbatim, excerpted, paraphrased, summarized or otherwise set forth.

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2) All items specified in paragraph 1) hereof relating to communications of persons other than the individual plaintiffs, when such communications either mention or otherwise relate to activities of these plaintiffs, or are communications to which such plaintiffs were parties.

3) All items specified in paragraph 1) hereof relating to:

a) communications of those plaintiffs who are organizations;

b) communications of members, agents, officers, of such organizations;

c) communications of others which mention or otherwise relate to activities of such organizations; and,

d) communications of others with such organizations to which members, agents, or officers of such organizations were parties.

4) All policy statements, memoranda, inter office communications, writings, correspondence and/or other tangible things setting forth the policies of the defendants concerning the use of electronic surveillance generally, and as applied to all the plaintiffs herein.

5) All records containing the names and present locations of all agents of Defendants Mitchell and Hoover, and/or members and agents of their respective departments who have participated in electronic surveillance directed at:

a) communications of any or all of the plaintiffs



b) communications of others concerning any or  
all of the plaintiffs; and.

c) communications to which any or all plaintiffs,  
their members, agents, or officers, have been  
parties.

Respectfully submitted,

HERMAN SCHWARTZ  
77 West Eagle Street  
Buffalo, New York 14202

MELVIN L. WULF  
American Civil Liberties Union  
156 Fifth Avenue  
New York, N. Y. 10010  
*W. William M. Kunstler*  
WILLIAM M. KUNSTLER  
1025 - 33rd St., N.W.  
Washington, D.C.

ARTHUR KINOY  
WILLIAM J. BENDER  
EDWARD CARL BROEGE, JR.  
588 Ninth Avenue  
New York, N. Y.

CHARLES GARRY  
501 Fremont Building  
341 Market Street  
San Francisco, California 94105

Attorneys for Plaintiffs

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. W. C. Sullivan

DATE: 9-12-69 3

FROM : C. D. Brennan

1 - Mr. C. D. DeLoach  
1 - Mr. J. P. Mohr  
1 - Mr. T. E. Bishop

1 - Mr. J. J. Casper  
1 - Mr. A. Rosen  
1 - Mr. W. C. Sullivan  
1 - Mr. C. D. Brennan

SUBJECT: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.  
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

Mr. E. P. Grigalis

This suit was filed in U. S. District Court, Washington, D. C., on June 26, 1969, against the Attorney General and the Director. The complaint, on behalf of numerous individuals and organizations, seeks relief from electronic surveillances, damages and costs. The plaintiffs submitted "Interrogatories" and "Requests for Admission of Facts Under Rule 36" which were so broad that this Bureau advised the Department that we could not possibly consider responding to this type of a demand. The requests consisted of whether electronic surveillances had been used on the plaintiffs, their offices, agents, members, or employees and an admission of such use. In answer to these requests the Department filed a Motion to Stay in this civil action on August 15, 1969. Judge Curran granted a temporary stay and the plaintiffs were given until August 25, 1969, to respond with their brief, afterwards, arguments would be heard. Subsequently, the plaintiffs asked for a two-week delay in filing answers to the Motion to Stay which was agreed to.

Assistant Attorney General J. Walter Yeagley, was contacted by Section Chief C. D. Brennan, of the Internal Security Section, on 9-11-69 and he advised that the plaintiffs just filed Points and Authorities in Opposition to Defendants' Motion for an Order Staying All Pending and Further Proceedings Pending the Final Judgment In United States of America v. David T. Dellinger. This document, which is attached, in substance, is a summary of the proceedings to date and is a refutation of the Motion to Stay. This document points out the plaintiffs' arguments that there is no material conflict or duplication between this suit and the Dellinger Antiriot Law case and neither a total or partial stay is warranted; that the plaintiffs will be seriously prejudiced by the grant of a stay, whereas defendants will not be prejudiced by a denial and that the Authorities do not support a stay in circumstances like those At Bar.

Enclosures (2)

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DATE 12-7-81 BY SP5 JWA/28

Memorandum to Mr. W. C. Sullivan

RE: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.  
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

Yeagley advised that this will now have to be resolved in oral arguments before the presiding judge by the attorneys for the plaintiffs and the attorneys for the Government. A date for oral arguments has not been set, but Yeagley advised the oral arguments will probably take place several weeks from now and he will keep us advised. This matter is being closely followed.

ACTION:

None. For information.

*mtb/ey d*

*B*  
*just*  
*WBS*

*nm*  
*h*

*✓*

*It is a pity this case  
is in Yeagley's hands.  
A much better individual  
couldn't be found.*

*h*

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. W. C. Sullivan *WCS*

DATE: October 2, 1969

FROM : C. D. Brennan *CB*

SUBJECT: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.  
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
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Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

Reference is made to memorandum of C. D. Brennan to Mr. Sullivan dated 9/12/69 in captioned case which brought up to date the status of this law suit involving the Director. *3*

As you were advised, the plaintiffs filed Points and Authorities in Opposition to Defendants' Motion for an Order Staying All Pending and Further Proceedings Pending the Final Judgment in United States of America v. David T. Dellinger. This filing was an attempt to deny the Department's Motion to Stay. As a result of this filing, the presiding judge advised both the plaintiffs' and defendants' attorneys that the issue to allow or deny the Motion to Stay would have to be resolved in oral arguments. No specific date was set for such; however, the Director was advised that the oral arguments would probably take place in several weeks.

Assistant Attorney General J. Walter Yeagley was contacted by Section Chief C. D. Brennan of the Internal Security Section on 10/2/69 to determine the current status of this law suit. Yeagley advised that there were no new developments. Yeagley advised the judge had not yet set a date for oral arguments and he would immediately notify us when a date is set. This matter is being closely followed.

## ACTION:

None. For information.

EPG:ssr  
(9)

- 1 - Mr. C. D. DeLoach
- 1 - Mr. J. P. Mohr
- 1 - Mr. T. E. Bishop
- 1 - Mr. J. J. Casper
- 1 - Mr. A. Rosen
- 1 - Mr. W. C. Sullivan
- 1 - Mr. C. D. Brennan
- 1 - Mr. E. P. Grigalus

EX-106

REC-73

62-112987-19

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DATE 12/7/81 BY SP5 Njb/315820  
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UNITED STATES GOVERNMENT

# Memorandum

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
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Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

TO : Mr. W.C. Sullivan *g/s*

DATE: October 14, 1969

FROM : Mr. C.D. Brennan *B/C*

SUBJECT: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.  
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

Reference is made to memoranda of C.D. Brennan to Mr. W.C. Sullivan dated 9/12/69 and 10/2/69 in captioned case which brought up to date the status of this law suit involving the Director.

As you were advised, the plaintiffs filed Points and Authorities in Opposition to Defendants' Motion for an Order Staying All Pending and Further Proceedings Pending the Final Judgment in United States of America v. David T. Dellinger. This filing was an attempt to deny the Department's Motion to Stay. As a result of this filing, the presiding judge advised both the plaintiffs' and defendants' attorneys that the issue to allow or deny the Motion to Stay would have to be resolved in oral arguments. No specific date was set for such; however, the Director was advised that the oral arguments would probably take place in several weeks.

[redacted] of the Internal Security Section on October 14, 1969, contacted Assistant Attorney General J. Walter Yeagley to determine the current status of this civil action. Yeagley advised that there were no new developments. He anticipates no further action in this case until the Dellinger Chicago Antiriot Law Criminal Case, currently being tried, is adjudicated. He based his reasoning on the fact that the defendants in the Chicago Dellinger Antiriot Law Criminal Case, who substantially are identical with the plaintiffs in the civil case, are so engaged in the Chicago trial along with their attorneys that they will take no action in this civil suit until the criminal case is resolved.

ACTION:

None. For information.

EPG:bcw  
(9)

1 - Mr. C.D. DeLoach  
1 - Mr. J.P. Mohr  
1 - Mr. T.E. Bishop  
1 - Mr. J. Casper

1 - Mr. A. Rosen  
1 - Mr. W.C. Sullivan  
1 - Mr. C.D. Brennan  
1 - Mr. E.P. Grigalus

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DATE 12-1-81 BY SP-1 [signature]

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EX-106

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**CHANGED TO**  
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ALL INFORMATION CONTAINED  
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**CHANGED TO**

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UNITED STATES GOVERNMENT

# Memorandum

1 - Mr. C. D. DeLoach  
1 - Mr. J. P. Mohr  
1 - Mr. T. E. Bishop  
1 - Mr. J. J. Casper

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Walters \_\_\_\_\_  
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Mr. W. C. Sullivan

DATE: 11/20/69

Mr. C. D. Brennan

1 - Mr. A. Rosen  
1 - Mr. W. C. Sullivan  
1 - Mr. C. D. Brennan  
1 - Mr. E. P. Grigalus

SUBJECT: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.  
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

Reference is made to the numerous memoranda of C. D. Brennan to Mr. W. C. Sullivan in captioned case continually advising the Director of the status of this law suit.

As you were advised, the plaintiffs filed Points and Authorities in Opposition to Defendants' Motion for an Order Staying All Pending and Further Proceedings Pending the Final Judgment in United States of America v. David T. Dellinger. This filing was an attempt to deny the Department's Motion to Stay. As a result of this filing, the presiding Judge advised both the plaintiffs' and defendants' attorneys that the issue to allow or deny the Motion to Stay would have to be resolved in oral arguments. No specific date was set for such.

[redacted] of the Internal Security Section on November 19, 1969, contacted Assistant Attorney General J. Walter Yeagley to determine the current status of this civil action. Yeagley advised that United States District Court Judge George L. Hart, Jr., ruled that the issues in this civil law suit and the issues in the Chicago Dellinger Antiriot Law criminal case were so overlapping that the interest of justice would best be served by putting off any further proceedings in the civil case involving the Director.

This, in substance, means that the Department need not answer the plaintiffs' request for information and that the Attorney General and the Director need not submit to interrogation and need not produce any information until a decision and the issues involved in the Chicago Dellinger Antiriot Law case are finally settled. This ruling could mean a delay of three years or more in this civil case pending the outcome of constitutional issues raised in the Chicago Dellinger case.

ACTION:

None. For information.

EPG:jlm  
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51 DEC 19 1969

ALL INFORMATION CONTAINED  
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DATE 12-7-81 BY SP5 JG/pw 315820

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Rosen  
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By

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FEB 22 1971  
COMM-FBI

The Attorney General

Director, FBI

1 - Mr. Sullivan  
1 - Mr. J. P. Mohr  
1 - Mr. Bishop  
1 - Mr. Dalbey  
1 - Mr. Rosen  
1 - Mr. C. D. Brennan February 22, 1971  
1 - Mr. Gray  
1 - Mr. G. C. Moore  
1 - Mr. Shackelford  
1 - Mr. Cotter  
1 - Mr. Dix

DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.  
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

This Bureau had considerable correspondence in this matter with the Internal Security Division in the Summer and Fall of 1969. The U. S. District Court here ruled that the issues in this civil case and the issues in the criminal case of United States v. Dellinger for violation of antiriot laws were so overlapping that justice would best be served by putting off proceedings in the civil case until a decision in the latter case was reached.

According to "The Washington Post" of February 17, 1971, the U. S. Court of Appeals here ruled the previous day that plaintiffs in the civil suit are entitled to a court inquiry into whether FBI illegally wiretapped their phones without waiting for final disposition in the criminal case.

The Department may wish to move for a delay in this civil suit until final decisions have been made relative to the rulings of U. S. District Judges Warren J. Ferguson in Los Angeles on January 11, 1971, and [redacted] in Detroit on January 26, 1971, that wiretapping of domestic subversive groups when authorized solely by the Attorney General is unconstitutional.

b6  
b7C

- EX-101
- 1 - The Deputy Attorney General
  - 1 - Assistant Attorney General  
Internal Security Division

Tolson \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Brennan, C.D. \_\_\_\_\_  
Callahan \_\_\_\_\_  
Casper \_\_\_\_\_  
Conrad \_\_\_\_\_  
Dalbey \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tavel \_\_\_\_\_  
Walters \_\_\_\_\_  
Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

WPD:ekn

(16)

NOTE:

See memorandum R. D. Cotter to Mr. C. D. Brennan, same caption, dated 2/19/71, prepared by WPD:ekn/mea.

MAR 1 1971  
MAIL ROOM ☐ TELETYPE UNIT ☐

REC-76

62-112987-26  
FEB 25 1971



Tolson ☒ *W*  
 Sullivan ☒ *W*  
 Mohr ☒ *W*  
 Bishop ☒ *W*  
 Brennan ☒ *W*  
 Callahan ☒ *W*  
 Casper ☒ *W*  
 Conrad ☒ *W*  
 Dalbey ☒ *W*  
 Felt ☒ *W*  
 Rosen ☒ *W*  
 Tavel ☒ *W*  
 Walters ☒ *W*  
 Soyars ☒ *W*  
 Tele. Room ☒ *W*  
 Holmes ☒ *W*  
 Gandy ☒ *W*

# Chicago 8 Granted Inquiry On Suit Against Wiretap

By Sanford J. Ungar  
Washington Post Staff Writer

The defendants in the Chicago Eight conspiracy trial are entitled to a court inquiry into whether the FBI illegally wiretapped their phones, the U.S. Court of Appeals ruled yesterday.

Such an inquiry—on the basis of a civil suit they filed in June, 1969—may begin immediately, without waiting for final disposition of the charges against them arising out of demonstrations during the 1968 Democratic National Convention, a three-judge panel of the court said.

A previous ruling in U.S. District Court here had placed an indefinite stay on the Chicago Eight's lawsuit and thus restricted their effort to prove that the charges against them had been unconstitutionally developed.

Five of the defendants in the trial were convicted in Chicago last year, and the case is now scheduled for argument before the Seventh Circuit Court of Appeals in the spring.

Final determination, however, including possible ap-

peals to the U.S. Supreme Court, could take years.

Judge Harold Leventhal of the Appeals Court, in a 16-page opinion, complained that the stay granted by the District Court had been "immoderate in extent and hence invalid."

The court action clears the way for the Chicago Eight and nine civil rights and radical political organizations which joined their lawsuit to question FBI-directed electronic surveillance against them.

In the pretrial maneuvering preceding the Chicago trial, the government acknowledged that some of the defendants had been wiretapped although no warrant or judicial order had been issued for that purpose.

That action, the defendants, said, was illegal.

But the Justice Department asserted in Chicago that such surveillance was lawful if "deemed vital to national security" or used "to gather intelligence information concerning domestic organizations which seek to attack and subvert the government by unlawful means."

In the suit ordered reactivated by the Court of Appeals

yesterday, the defendants seek a court order prohibiting such wiretapping in the future.

Leventhal wrote that the District Court stay had been especially "improvident" because it extended to people who had been acquitted in the Chicago trial and organizations which were not involved there at all.

The Washington Post Times Herald *A-4*  
 The Washington Daily News \_\_\_\_\_  
 The Evening Star (Washington) \_\_\_\_\_  
 The Sunday Star (Washington) \_\_\_\_\_  
 Daily News (New York) \_\_\_\_\_  
 Sunday News (New York) \_\_\_\_\_  
 New York Post \_\_\_\_\_  
 The New York Times \_\_\_\_\_  
 The Daily World \_\_\_\_\_  
 The New Leader \_\_\_\_\_  
 The Wall Street Journal \_\_\_\_\_  
 The National Observer \_\_\_\_\_  
 People's World \_\_\_\_\_

Date **FEB 17 1971**

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**ALL INFORMATION CONTAINED**

**HEREIN IS UNCLASSIFIED**

DATE *12/7/81* BY *SP-5 Jig/rp*

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*62-112989-26*

ENCLOSURE

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. C. D. Brennan

FROM : R. D. Cotter

SUBJECT: DAVID DELLINGER, et al. v. ATTORNEY GENERAL, et al.  
SUIT TO ENJOIN WIRETAPPING BY THE DEPARTMENT

1 - Mr. Sullivan  
1 - Mr. J.P. Mohr  
1 - Mr. Bishop  
1 - Mr. Dalbey  
DATE: 2/19/71  
1 - Mr. Rosen  
1 - Mr. C. D. Brennan  
1 - Mr. Gray  
1 - Mr. G.C. Moore

Tolson \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Callahan \_\_\_\_\_  
Casper \_\_\_\_\_  
Conrad \_\_\_\_\_  
Dalbey \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tavel \_\_\_\_\_  
Walters \_\_\_\_\_  
Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

1 - Mr. Shackelford  
1 - Mr. Cotter  
1 - Mr. Dix

This suit was filed in U.S. District Court, Washington, D. C., on 6/29/69 against the Attorney General and the Director. The complaint on behalf of numerous individuals and organizations, seeks relief from electronic surveillances, damages, and costs. David Dellinger is one of several persons indicted for violation of antiriot laws in connection with demonstrations during 1968 Democratic National Convention. In November, 1969, U.S. District Judge ruled that issues in this civil suit and issues in the antiriot case were so overlapping that justice would best be served by putting off a ruling in the civil case until the antiriot case is fully settled.

According to "Washington Post," 2/17/71, U.S. Court of Appeals here ruled 2/16/71 that plaintiffs are entitled to a court inquiry into whether FBI illegally wiretapped their phones without waiting for final disposition of antiriot charges. Five of the defendants were convicted in the antiriot case and their appeals could take years.

The Department may wish to move for a delay in this civil suit until final decisions have been made relative to recent rulings by two U.S. District Judges that Attorney General authorized wiretapping of domestic subversive groups is unconstitutional.

## ACTION:

If approved, the attached letter should be forwarded to Attorney General.

Enc 2-22-71

WPD:ekn/mea  
(12)

53 MAR 4 1971

REC- 47

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FEB 25 1971

62-112989-28

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Assistant Attorney General  
Internal Security Division

January 21, 1972

Director, FBI

*dit*  
*and*  
DAVID DELLINGER, et al. v.  
JOHN N. MITCHELL, ATTORNEY  
GENERAL, AND JOHN EDGAR  
HOOVER, DIRECTOR, FBI  
CIVIL SUIT

1 - Mr. Mohr  
1 - Mr. Rosen  
1 - Mr. Bishop  
1 - Mr. Miller  
1 - Mr. Dalbey  
1 - Mr. Williamson

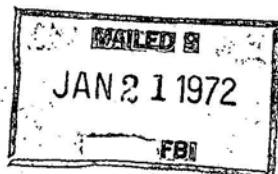
Pursuant to the request of [redacted]  
of your staff, we are enclosing herewith a memorandum containing  
information concerning the organizational plaintiffs in captioned  
case to assist in the preparation of the answer to the complaint  
filed herein.

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b7C

Enclosure

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/7/81 BY SP-5 Jlg/rt

NOTE: Based on Memorandum D. J. Dalbey to Mr. Tolson, 1/20/72,  
captioned as above, JLW:mfd.



EX-101

EM

*Lead*

Mr. Tolson \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Bishop \_\_\_\_\_  
Mr. Miller, E.S. \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Dalbey \_\_\_\_\_  
Mr. Cleveland \_\_\_\_\_  
Mr. Ponder \_\_\_\_\_  
Mr. Bates \_\_\_\_\_  
Mr. Waikart \_\_\_\_\_  
Mr. Walters \_\_\_\_\_  
Mr. Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

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JAN 24 1972

55 JAN 28 1972

TELETYPE UNIT ☐



January 21, 1972

DAVID DELLINGER, et al. v.  
JOHN N. MITCHELL, ATTORNEY  
GENERAL, AND JOHN EDGAR  
HOOVER, DIRECTOR, FBI

BLACK PANTHER PARTY

"The Black Panther Party was organized in 1966 by Bobby Seale and Huey Newton under the title 'Black Panther Party for Self-Defense.' The title of the organization was later shortened to 'Black Panther Party,' because, according to Huey P. Newton, they wanted to make it clear that the party was recognized as a 'political organization' and not merely a paramilitary group, or an organization of bodyguards. ('The Black Panther,' March 16, 1968: 4)."

Report by House Committee  
on Internal Security on  
Black Panther Party  
October 6, 1970, Page 3

"Early in 1968 the words 'For Self-Defense' were dropped from the party title to emphasize the 'political aspect' of the party and to downgrade the 'paramilitary aspect,' according to a former official."

Report by House Committee  
on Internal Security on  
Black Panther Party  
August 18, 1971, Page 36

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Mr. Tolson \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Bishop \_\_\_\_\_  
Mr. Miller, E.S. \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Dalbey \_\_\_\_\_  
Mr. Cleveland \_\_\_\_\_  
Mr. Ponder \_\_\_\_\_  
Mr. Bates \_\_\_\_\_  
Mr. Waikart \_\_\_\_\_  
Mr. Walters \_\_\_\_\_  
Mr. Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

ENCLOSURE

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ds TSB

David Dellinger, et al. v.  
John N. Mitchell, Attorney  
General, and John Edgar  
Hoover, Director, FBI

"The Black Panther," official newspaper of the Black Panther Party, has regularly stated the Black Panther Party advocates use of guns and guerrilla tactics in its revolutionary program to end oppression of the black people. Residents of the black community are urged to arm themselves against the police, referred to as "pigs" who should be killed.

The newspaper in its issue of September 7, 1968, contained an article by the then Minister of Education George Murray. This article ended with the following: "Black men. Black people, colored persons of America, revolt everywhere! Arm yourselves. The only culture worth keeping is revolutionary culture. Change. Freedom everywhere. Dynamite! Black power. Use the gun. Kill the pigs everywhere."

The Black Panther Party newspaper issue of October 5, 1968, had an article introduced with the following statement: "We will not dissent from American government. We will overthrow it."

In the April 25, 1970, issue of the Black Panther Party newspaper there was an article by a party official which states in part as follows: "The only way to make this racist U.S. government administer justice to the people it is oppressing, is ... by taking up arms against this government, killing the officials, until the reactionary forces ... are dead, and those that are left turn their weapons on their superiors, thereby passing revolutionary judgement against the number one enemy of all mankind, the racist U.S. government."

#### STUDENT NATIONAL COORDINATING COMMITTEE (SNCC)

Until July 22, 1969, the Student National Coordinating Committee was known as the Student Nonviolent Coordinating Committee. At that time, Chairman H. Rap Brown announced that the word

David Dellinger, et al. v.  
John N. Mitchell, Attorney  
General, and John Edgar  
Hoover, Director, FBI

"Nonviolent" was being dropped from the organizational title so that violent retaliation would not be hindered by the organization's name. Brown claimed that use of force is necessary in attaining revolutionary goals.

SNCC's national headquarters are located in a room in the rectory of St. Peter's Episcopal Church, 336 West 20th Street, New York, New York.

#### CONGRESS OF RACIAL EQUALITY (CORE)

The 30th annual convention of the Congress of Racial Equality was held in New York City between October 7 and 10, 1971. CORE's National Director Roy Innis delivered the keynote speech in which he called for a coalition of black nationalists and integrationists in order to create a more viable and economically powerful black community. CORE's national headquarters are located at 200 West 135th Street, New York City.

#### SOUTHERN CONFERENCE EDUCATIONAL FUND (SCEF)

The purpose, according to their charter, is: "(1) To promote the general welfare, and (2) to improve the economic, social and cultural standards of the Southern people, in accordance with the highest American democratic institutions and ideals." SCEF was organized under the laws of the State of Tennessee in January, 1946.

Carl and Anne Braden have held positions of leadership in this organization for a number of years. Both Bradens were identified as members of the Communist Party, USA, in Jefferson County, Kentucky, by Alberta Ahearn, admitted member of the Communist Party, USA, on December 11 and 13, 1954.

David Dellinger, et al. v.  
John N. Mitchell, Attorney  
General, and John Edgar  
Hoover, Director, FBI

#### AMERICAN SERVICEMEN'S UNION (ASU)

The American Servicemen's Union was founded early in 1968. It no longer functions as an organization but when active its aims, as stated by their publication called "The Bond - The Servicemen's Newspaper," were to undermine the political and military objectives of the United States by fomenting discontent among enlisted military personnel and by calling for the establishment of a servicemen's union.

#### NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM

This organization, which is now defunct, was located during 1968 and 1969 at 5 Beekman Street, New York, New York. Literature of this organization described it as a coalition of a wide spectrum of people and groups opposed to the war in Vietnam. The name of this organization was changed in 1969 to the "New Mobilization Committee to End the War in Vietnam," which in turn changed its name in June, 1970, to the "National Coalition Against War, Racism and Repression" (NCAWRR). After a few months, NCAWRR changed its name to "Peoples Coalition for Peace and Justice" (PCPJ), a currently existing organization with headquarters in New York, New York. PCPJ was generally responsible for massive civil disobedience in Washington, D. C., during demonstrations in May, 1971. Testimony before the House Committee on Internal Security, 1971, indicates that PCPJ is infiltrated by the Communist Party, USA.

#### NEW YORK RESISTANCE

This organization, known as "The Resistance," currently maintains offices at 339 Lafayette Street, New York, New York. During July, 1968, a pamphlet entitled "The Resistance," distributed by this organization, stated: "The Resistance is a national movement which aims at undermining the Selective Service System by taking the position of complete and open noncooperation with the draft. Its origins

David Dellinger, et al. v.  
John N. Mitchell, Attorney  
General, and John Edgar  
Hoover, Director, FBI

can be contributed (sic) to highly publicized draft card burnings at New York City on April 15, 1967, and to the determination of a number of students on the West Coast, particularly at Stanford and Berkeley, to channel individual acts of noncooperation into a politically effective movement against the war and the draft. "

#### CATHOLIC PEACE FELLOWSHIP (CPF)

As of September, 1969, the CPF was located at 339 Lafayette Street, New York, New York, but used the mailing address of "Fellowship of Reconciliation" (FOR), North Broadway, Upper Nyack, New York.

Literature issued by the CPF in July, 1968, described it as a group organized in the spring of 1964, as an educational service geared to provide concerned Catholics with better understanding of development of Catholic thought regarding war and peace. CPF is one of 14 religious affiliates of FOR, a world organization founded in 1914 as movement of Christian protest against war. CPF literature indicates it offers prompt and expert legal and moral counseling to interested conscientious objectors and students.

#### WAR RESISTERS LEAGUE (WRL)

WRL registered with the Charities Registration Bureau, State of New York, Albany, New York, on March 24, 1959, as an unincorporated association established in New York, New York, in March, 1923.

WRL literature indicates it is "made up of men and women who have determined to give no support to any war without regard to the reasons - whether they are political, religious or humanitarian reasons." WRL claims to be a nonsectarian, interracial and pacifist organization established to help educate people in nonviolence and peace. WRL publicly supports the Peoples Coalition for Peace and Justice (PCPJ).



David Dellinger, et al. v.  
John N. Mitchell, Attorney  
General, and John Edgar  
Hoover, Director, FBI

Testimony before the House Committee on Internal Security  
during 1971 has indicated that the PCPT is infiltrated by the Communist  
Party, USA.

WRL maintains its headquarters at 339 Lafayette  
Street, New York, New York.

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Tolson

DATE: 1/18/72

FROM : D. J. Dalbey

SUBJECT: DAVID DELLINGER, et al. V.  
JOHN N. MITCHELL, ATTORNEY  
GENERAL, AND JOHN EDGAR  
HOOVER, DIRECTOR, FBI  
CIVIL SUIT

Tolson \_\_\_\_\_  
Felt \_\_\_\_\_  
Rosen \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Miller, W.S. \_\_\_\_\_  
Callahan \_\_\_\_\_  
Casper \_\_\_\_\_  
Conrad \_\_\_\_\_  
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Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

On 1/18/72, [redacted] Internal Security

Division of the Department, contacted SA [redacted] of the  
Office of Legal Counsel and requested certain information to enable  
the Department to file an appropriate answer to the complaint in  
captioned civil suit.

This suit was filed in United States District Court,  
Washington, D. C., on 6/29/69, by David Dellinger, Rennard Davis,  
Thomas Hayden, Jerry Rubin, Abbott Hoffman, Bobby Seale, John  
Froines, and Lee Weiner seeking an injunction and damages for alleged  
illegal electronic surveillance conducted by the defendants. In addition  
to the above, the following organizations were listed as plaintiffs:  
The Black Panther Party for Self-Defense, Student Non-Violent  
Coordinating Committee, Congress of Racial Equality, The Southern  
Conference Educational Fund, American Servicemen's Union, National  
Mobilization Committee to End the War in VietNam, New York Resistance,  
Catholic Peace Fellowship, and the War Resisters League. The  
Government obtained a stay in this action pending a determination of  
all issues concerning electronic surveillance which had been raised in  
the "Chicago Seven" criminal case in Chicago. This stay was appealed  
by the plaintiffs to the Circuit Court in the District of Columbia and  
was remanded by that Court to the District Court to reexamine the stay  
order. The District Court has now lifted the stay order which will  
require the Government to answer the complaint.

62-112989-31 JAN 26 1972

Enclosure

JLW  
JLW:deh  
(5)

EX-100

REC 20

1 - Mr. Rosen  
1 - Mr. Miller

1 - Mr. Dalbey  
1 - Mr. Williamson

ENCLOSURE

ENCLOSURE ATTACHED

55 JAN 31 1972

CONTINUED - OVER

Memorandum D. J. Dalbey to Mr. Tolson  
RE: DAVID DELLINGER

[redacted] advised that based on a claim of privilege, b6  
he intends to decline to answer all allegations in the complaint which b7C  
related to the alleged illegal surveillance. He stated, however, that to  
answer that portion of the complaint which describes the organizational  
plaintiffs he would need to know the characterization of such groups as  
contained in Bureau files. He made available the first four pages of  
the complaint which set out the description of the organizational plaintiffs,  
a copy of which is attached hereto.

RECOMMENDATION:

That this memorandum be referred to the Domestic  
Intelligence Division for collection of the requested information and  
that the results be furnished directly to the Office of Legal Counsel in  
rough draft form so that appropriate communication may be prepared  
for the Department.

Handled

1/19/72

results furnished

To SA  
RD

[redacted]

Office of Legal Counsel

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DATE 12/7/97 BY SP-5 Jg/vr

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10/26/95 9803RDD/ACE/DPV

ENCLOSURE

62-11989-1

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DAVID DELLINGER, 339 Lafayette St., New York, )  
N.Y.; RENNARD DAVIS, 5220 S. Blackstone, )  
Chicago, Illinois; THOMAS HAYDEN, 2917 Ashby )  
Ave., Berkeley, Calif.; JERRY RUBIN, 5 St. )  
Marks Place, New York, N.Y.; ABBOTT HOFFMAN, )  
114 E. 13th St., New York, N.Y.; BOBBY SEALE, )  
3106 Shattuck, Berkeley, Calif.; JOHN )  
FROINES, 2063 Onyx St., Eugene, Oregon; )  
LEE WEINER, 1062 West Glenlake, Chicago, )  
Illinois; THE BLACK PANTHER PARTY FOR SELF- )  
DEFENSE, Oakland, Calif.; STUDENT NON- )  
VIOLENT COORDINATING COMMITTEE, 100 Fifth )  
Ave., New York, N.Y.; CONGRESS OF RACIAL )  
EQUALITY, 200 W. 135th St., New York, N.Y.; )  
THE SOUTHERN CONFERENCE EDUCATIONAL FUND, )  
3210 West Broadway, Louisville, Kentucky; )  
AMERICAN SERVICEMEN'S UNION, 156 Fifth Ave., )  
New York, N.Y.; NATIONAL MOBILIZATION )  
COMMITTEE TO END THE WAR IN VIETNAM, 339 )  
Lafayette St., New York, N.Y.; NEW YORK )  
RESISTANCE, 339 Lafayette St., New York, )  
N.Y.; CATHOLIC PEACE FELLOWSHIP, 339 Lafayette )  
St., New York, N.Y.; WAR RESISTERS LEAGUE, )  
339 Lafayette St., New York, N.Y., )

Plaintiffs,

- against -

JOHN N. MITCHELL, Attorney General of the  
United States, and JOHN EDGAR HOOVER,  
Director, Federal Bureau of Investigation,  
both maintaining office addresses at the  
Department of Justice, Constitution Avenue  
between Ninth and Tenth Streets, Washington,  
D.C. 20530, individually and in their  
official capacities,

Defendants.

Civil Action  
No. 1768-69

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/17/93 BY 9803 RDD/SC  
3/13/92 BY SP5/SLP  
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COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF AND FOR DAMAGES

A. F. Talley to Mr. Tolson  
1/18/72. JLD:deh

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b7C



## JURISDICTION

1. This is a civil action arising under the Constitution and laws of the United States, more particularly, the First, Fourth and Ninth Amendments to the Constitution, Section 605 of the Communications Act of 1934 [47 U.S.C. § 605], and Ch. 119 of Title 18, §§ 2510-20, United States Code [the Omnibus Crime Control and Safe Streets Act of 1968]. Jurisdiction over this cause is conferred on this court by 28 U.S.C. § 1331(a), 2201 and 2202. The amount in controversy, exclusive of interest or costs, exceeds the value of \$10,000.

## PARTIES

2. Plaintiffs in this case are:

a) DAVID DELLINGER, RENNARD DAVIS, THOMAS HAYDEN, JERRY RUBIN, ABBOTT HOFFMAN, BOBBY SEALE, JOHN PROINES, and LEE WEINER, all of whom are named defendants in the case of United States v. Dellinger, et al., a criminal prosecution now pending in the United States District Court, District of Illinois, Eastern District, No. 69CR180. ✓  
Black  
printed

b) THE BLACK PANTHER PARTY FOR SELF-DEFENSE, an unincorporated association of individuals intent on obtaining the liberation of black men and women in the United States and of ending the brutalization of black people in the Western world. The Party's principal office is in Oakland, California.

c) THE STUDENT NONVIOLENT COORDINATING COMMITTEE, an unincorporated association whose purpose it is to help to secure to all black citizens the rights guaranteed to them under the Constitution of the United States, and to end all forms of racial discrimination in the interest of black and white citizens throughout the United States. It maintains an office in New York, N.Y.

d) CONGRESS OF RACIAL EQUALITY, an association whose purpose it is to help to secure to all black citizens the rights guaranteed to them under the Constitution of the United States, and to end all forms of racial discrimination in the interest of black and white citizens throughout the United States. It maintains an office in New York, N.Y.

e) The SOUTHERN CONFERENCE EDUCATIONAL FUND, a non-profit organization organized under the laws of the State of Tennessee, whose purpose is to help to secure to black and white American citizens in the Southern part of the United States rights guaranteed them under the United States Constitution, and to end all forms of racial and economic segregation, discrimination, and injustice in the interests of both black and white citizens.

f) THE AMERICAN SERVICEMEN'S UNION, an unincorporated association of American servicemen maintaining an office in New York, N. Y. Its purpose is to organize the members of the Armed Forces to assert the same constitutional rights which are guaranteed to civilian citizens of the United States.

g) THE NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM, an unincorporated association of citizens dedicated to the immediate withdrawal of troops from Vietnam, liberation and self-determination of black people, and an end to poverty and exploitation. Its national headquarters is located in New York, N. Y.

h) NEW YORK RESISTANCE, an unincorporated association maintaining offices in New York City whose purpose it is to thwart the Selective Service System through complete and open non-cooperation with the draft. This purpose is based upon the premise that the draft is discriminatory and constitutes involuntary servitude.

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i) THE CATHOLIC PEACE FELLOWSHIP, an unincorporated educational service conducted by Catholic members of the Fellowship of Reconciliation to acquaint Catholics with the traditions of the Church on war and peace. Among its major functions are to provide draft information and counselling, to build concern for an opposition to the war in Vietnam, and to raise medical relief for victims on all sides of the war. Its office is located in New York, N. Y.

j) THE WAR RESISTERS LEAGUE is an unincorporated association dedicated to the principles and practices of pacifism and opposition to all war and organized violence. Its goal is to build a society free of violence, tyranny, racism, and injustice. Its headquarters are located in New York, N. Y.

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UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Tolson

DATE: 1/20/72

FROM : D. J. Dalbey

SUBJECT: DAVID DELLINGER, et al. v.  
JOHN N. MITCHELL, ATTORNEY  
GENERAL, AND JOHN EDGAR  
HOOVER, DIRECTOR, FBI  
CIVIL SUIT

10/26/95 9803 RDD/ACE/ROD  
3/58 20  
10/7/93 9803 RDD/ROD  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/7/81 BY SP-5 JLB/STH  
3/13/92 823 mcr  
3/58 20 per 31

Tolson \_\_\_\_\_  
Felt \_\_\_\_\_  
Rosen \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Miller, E.S. \_\_\_\_\_  
Callahan \_\_\_\_\_  
Casper \_\_\_\_\_  
Conrad \_\_\_\_\_  
Dalbey \_\_\_\_\_  
Cleveland \_\_\_\_\_  
Ponder \_\_\_\_\_  
Bates \_\_\_\_\_  
Waikart \_\_\_\_\_  
Walters \_\_\_\_\_  
Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

Re D. J. Dalbey to Mr. Tolson memorandum 1/18/72, which recommended that the Domestic Intelligence Division provide the Office of Legal Counsel with material requested by the Department to assist them in preparing an answer to the complaint filed by the plaintiffs.

Referenced memorandum set forth that Dellinger, the other members of the so-called "Chicago Seven," and several radical organizations filed suit in 1969 in United States District Court, Washington, D. C., against the Director and the Attorney General alleging illegal electronic surveillance. The Department was successful in obtaining a stay to further proceedings pending disposition of the criminal action against Dellinger, et al. This stay has now been dissolved by the Court and the Government must answer the complaint. The Department intends to file an answer admitting nothing other than that revealed in the criminal suit relative to electronic surveillance and requested information from the Bureau concerning the allegations in the complaint as to the status and aims of the organizational plaintiffs.

Attached hereto is a letter to the Department enclosing a letterhead memorandum prepared from public source information, suitable for dissemination, which contains the requested information.

## RECOMMENDATION:

That the attached letter enclosing a letterhead memorandum be approved and sent to the Department.

Enc.

1 - Mr. Mohr  
1 - Mr. Rosen  
1 - Mr. Bishop  
1 - Mr. Miller  
1 - Mr. Dalbey  
1 - Mr. Williamson  
JLW:mfd (7)

61 FEB 2 1972

REC-52  
ST-115

62-112989-32

JAN 28 1972

TEB EM DS  
R ds  
LEGAL COUNSEL

10/26/95 9803RDD/BCE/om

10/7/93 9803RDD/SC 315822

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HEREIN IS UNCLASSIFIED

DATE 12/7/81 BY SP-519/br

3-13-92 8123mc#150 315820

62-112989-33

**CHANGED TO**

62-115019-7

MAR 29 1972

BW/mb

c



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ENCLOSURE

62-12484-24

10/26/95 9803 RDD BCC/agm

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10/7/93 9803 RDD/SC

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DATE 3/13/92 BY 8123 me/HSC

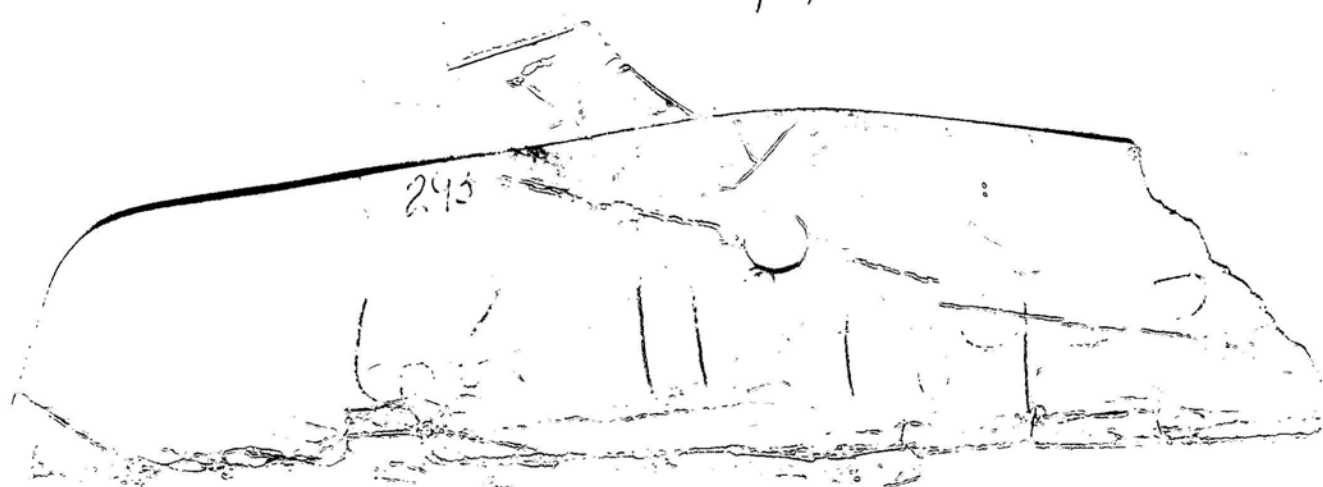
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10/26/95 9803 RDD/ACE/DPH  
315820



Assistant Attorney General  
Internal Security Division

February 8, 1973

Acting Director, FBI

1 - Mr. Miller  
1 - Mr. Mintz  
1 - Mr. Williamson

REC-139

DAVID T. DELLINGER, et al. v.

JOHN N. MITCHELL, et al.

ST 101 (D.D.C.) CIVIL ACTION NO. 1768-69

*ad*  
Your letter of November 20, 1972, requested that we provide you with certain information concerning electronic surveillances in which the named plaintiffs or premises under their control were involved.

Enclosed is a memorandum, with enclosures, dated February 1, 1973, captioned as above.

Enclosure

NOTE: Based on referenced Departmental letter. The enclosures to the LHM consist of the authorizations for the electronic coverage of plaintiffs herein. They are not being sent through with this letter but will be delivered to the Department with this letter.

10/26/95 9803 RDD/ccl/dqn  
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HEREIN IS UNCLASSIFIED 315820  
DATE 3/13/92 BY 8123 MC/HIS

10/7/93 9803 RDD/8  
315820

JLW:deh  
(6)

Enclosure  
downgraded to  
Secret 4/4/76  
4/77

2/9/73, Original letter with  
enclosed LHM (and its 241  
enclosures) delivered  
to B. Collins, Planning  
1SD, Dept. of Justice  
James H. ...

~~TOP SECRET MATERIAL ATTACHED~~

Mr. Felt \_\_\_\_\_  
Mr. Baker \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Cleveland \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Gebhardt \_\_\_\_\_  
Mr. Jenkins \_\_\_\_\_  
Mr. Marshall \_\_\_\_\_  
Mr. Miller, E.S. \_\_\_\_\_  
Mr. Purvis \_\_\_\_\_  
Mr. Soyars \_\_\_\_\_  
Mr. Walters \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Kinley \_\_\_\_\_  
Mr. Armstrong \_\_\_\_\_  
Mr. Bowers \_\_\_\_\_  
Mr. Herington \_\_\_\_\_  
Ms. Herwig \_\_\_\_\_  
Mr. Mintz \_\_\_\_\_  
Ms. Neenan \_\_\_\_\_

MAIL ROOM ☐ TELETYPE UNIT ☐

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
EXCEPT WHERE SHOWN  
OTHERWISE

1 - Mr. Mintz  
(Attention: Mr. Williamson)  
1 - Mr. Cleveland  
(Attention: Mr. W.A. Harwood)  
1 - Mr. Deily  
February 1, 1973

~~SECRET~~  
APPROPRIATE AGENCIES  
ADVISED BY ROUTING  
SLIP(S)  
9-14-73 DTC

DAVID T. DELLINGER, ET AL. - VS - JOHN N. MITCHELL, ET AL.  
DISTRICT COURT FOR THE DISTRICT OF COLUMBIA  
CIVIL ACTION NO. 1768-69

I. Plaintiffs who have been subjects of electronic  
surveillance.

A. Black Panther Party (BPP)

CLASS. & EXT. BY SP-5 sjg/hp  
REASON-FCIM II, 1-2.4.2 (1)(2), (3)  
DATE OF REVIEW 2/1/93 12-8-81

A telephone surveillance of the BPP National  
Headquarters was conducted as follows:

At [redacted] California, from  
2/26/69 to 5/22/70; telephone numbers [redacted]

At [redacted] California, from  
6/11/70 to 5/23/72; telephone numbers [redacted]

At [redacted] California, from  
6/5/72 to 6/19/72; telephone numbers [redacted]

The above surveillance was authorized and reauthorized  
by the Attorney General on 2/6/69, 3/28/69, 7/1/69, 9/19/69,  
12/17/69, 3/13/70, 6/15/70, 9/15/70, 12/12/70, 3/16/71, 6/15/71,  
9/14/71, 12/13/71, 3/15/72, and 5/30/72.

Classified by 1048 DEN 180 9803 RDX 180  
Declassify on: 3/5/82  
Classified by 1048 DEN 180 9803 RDX 180  
Declassify on: 3/5/82  
Classified by 1048 DEN 180 9803 RDX 180  
Declassify on: 3/5/82

Mr. Felt \_\_\_\_\_  
Mr. Baker \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Cleveland \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Gebhardt \_\_\_\_\_  
Mr. Jenkins \_\_\_\_\_  
Mr. Marshall \_\_\_\_\_  
Mr. Miller, E.S. \_\_\_\_\_  
Mr. Purvis \_\_\_\_\_  
Mr. Soyars \_\_\_\_\_  
Mr. Walters \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Kinley \_\_\_\_\_  
Mr. Armstrong \_\_\_\_\_  
Mr. Bowers \_\_\_\_\_  
Mr. Herington \_\_\_\_\_  
Ms. Herwig \_\_\_\_\_  
Mr. Mintz \_\_\_\_\_  
Mrs. Neenan \_\_\_\_\_

Classified by 6855  
Exempt from GDS, Category 2  
Date of Declassification Indefinite

Classified By [redacted]  
Exempt from GDS Category Number 2  
Date of Declassification Indefinite

RJD:rmb  
(6)

MAIL ROOM ☒ TELETYPE UNIT ☐

ENCLOSURE SEE NOTE PAGE 20  
ROUTE IN ENVELOPE



~~SECRET~~

David T. Dellinger, et al. - VS - John W. Mitchell, et al.  
District Court for the District of Columbia  
Civil Action No. 1768-69

A telephone surveillance of the BPP office at 1336 1/2 Fillmore Street, San Francisco, California, was conducted from 5/27/69 to 11/19/71. Telephone numbers involved were

b6  
b7C

[redacted] The surveillance was authorized and reauthorized by the Attorney General on 4/30/69, 7/23/69, 10/17/69, 1/21/70, 4/17/70, 7/15/70, 10/19/70, 1/18/71, 4/19/71, 7/19/71, and 10/15/71. (U)

A telephone surveillance of the BPP at [redacted] [redacted] Oakland, California, was conducted from 12/18/70 to 6/19/72. The telephone numbers involved were

[redacted] A microphone surveillance was also conducted at that address from 12/22/70 to 6/19/72. The above surveillances were authorized and reauthorized by the Attorney General on 11/20/70, 2/20/71, 5/21/71, 8/13/71, 11/15/71, 2/15/72, and 5/24/72. (U)

A telephone surveillance of the BPP was conducted at [redacted] New York, New York, from 4/7/69 to 12/5/70 and from 5/29/71 to 6/19/72. Telephone numbers involved were [redacted] A telephone surveillance of the BPP was conducted at [redacted] New York, from 1/21/70 to 4/12/71. Telephone numbers involved were [redacted] (U)

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b7C

A microphone surveillance of the BPP was conducted at [redacted] New York, New York, from 4/22/70 to 5/25/70. A telephone surveillance of the BPP at [redacted] [redacted] New York, New York, was conducted from 5/29/71 to 6/23/71. The telephone number involved was [redacted] The above surveillances were authorized and reauthorized by the Attorney General on 3/20/69, 7/1/69, 9/10/69, 12/9/69, 1/2/70, 3/6/70, 4/2/70, 6/5/70, 6/30/70, 8/31/70, 9/28/70, 12/12/70, 3/25/71, 5/28/71, 8/24/71, 11/23/71, 2/23/72, and 5/30/72. (U)

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David T. Dellinger, et al. - VS - John N. Mitchell, et al.  
District Court for the District of Columbia  
Civil Action No. 1768-69

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A telephone surveillance of the BPP at Baltimore, Maryland, was conducted from 10/5/70 to 11/21/70 at [redacted] and from 12/14/70 to 2/18/71 at [redacted]. Telephone numbers involved were [redacted]. The surveillance was authorized by the Attorney General on 9/2/70 and reauthorized by him on 12/1/70. (U)

A telephone surveillance of the BPP at [redacted] Massachusetts, was conducted from 10/19/70 to 3/19/71. Telephone numbers involved were [redacted] and [redacted]. Dates of authorization and reauthorization by the Attorney General were 8/31/70, 11/30/70 and 3/1/71. (U)

A telephone surveillance of the BPP at [redacted] Ohio, was conducted from 11/16/70 to 12/17/70. Telephone numbers involved were [redacted]. The surveillance was authorized by the Attorney General on 10/21/70. (U)

A telephone surveillance of the BPP at Detroit, Michigan, was conducted from 5/14/69 to 6/2/69 at 9049 Oakland Street, on 6/16/69 at [redacted] and from 5/7/70 to 7/2/70 and from 8/6/70 to 10/15/70 at [redacted]. Telephone numbers involved were [redacted] and [redacted]. Dates of authorization and reauthorization by the Attorney General were 4/2/69, 6/4/69, 4/14/70, 7/9/70, and 10/9/70. (U) b6 b7C

A telephone surveillance of the BPP at [redacted] Chicago, Illinois, was conducted from 5/14/69 to 3/1/72. Telephone numbers involved were [redacted]. Dates of authorization and reauthorization by the Attorney General were 4/30/69, 7/25/69, 10/20/69, 1/22/70, 4/20/70, 7/20/70, 10/19/70, 1/18/71, 4/19/71, 7/19/71, 10/15/71, and 1/19/72. (U)

- 3 -  
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David T. Dellinger, et al. - VS - John N. Mitchell, et al.  
District Court for the District of Columbia  
Civil Action No. 1768-69

A telephone surveillance of the BPP at Los Angeles, California, was conducted at [redacted] from 4/15/69 to 2/3/70, at [redacted] from 2/10/70 to 2/26/70, at [redacted] from 3/12/70 to 2/28/72, at [redacted] from 12/4/70 to 2/6/71, at [redacted] from 9/10/70 to 12/14/70, at [redacted] from 2/4/71 to 2/28/72, and at [redacted] from 2/25/71 to 2/28/72. Telephone numbers involved were [redacted]

b6  
b7C

[redacted] Dates of authorization and reauthorization by the Attorney General were 3/20/69, 7/1/69, 9/8/69, 12/2/69, 1/26/70, 3/5/70, 6/3/70, 9/2/70, 12/4/70, 2/12/71, 3/4/71, 6/3/71, 8/31/71, and 11/29/71. (U)

A telephone surveillance of the BPP at New Haven, Connecticut, was conducted at [redacted] from 1/15/70 to 4/9/71 and at [redacted] from 4/9/71 to 5/14/71. Telephone numbers involved were [redacted]

b6  
b7C

[redacted] Dates of authorization and reauthorization by the Attorney General were 11/26/69, 2/25/70, 5/22/70, 8/17/70, 11/20/70, and 2/23/71. (U)

A telephone surveillance of the BPP at Philadelphia, Pennsylvania, was conducted at [redacted] from 7/13/70 to 7/14/70 and from 9/28/70 to 11/10/70, and at [redacted] from 8/25/70 to 9/28/70 and from 11/23/70 to 2/10/71. Telephone numbers involved were BA 2-0885, CE 5-5738, CE 5-7203, CE 5-7525, CE 5-7526, EV 7-2867, and EV 7-2868. Dates of authorization and reauthorization by the Attorney General were 6/1/70, 6/25/70, 8/15/70, 9/22/70, 11/12/70, and 2/11/71. (U)

- 4 -

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David T. Dellinger, et al. - VS - John N. Mitchell, et al.  
District Court for the District of Columbia  
Civil Action No. 1768-69

A telephone surveillance of the BPP at [redacted] b6  
[redacted] California, was conducted from 7/14/69 b7C  
to 9/5/69. Telephone numbers involved were [redacted] and  
[redacted] The surveillance was authorized by the Attorney  
General on 6/16/69. (U)

A telephone surveillance of the BPP at Washington, D. C.,  
was conducted at [redacted] from 6/10/70 to  
2/1/71 and from 4/19/71 to 6/25/71 and at [redacted]  
[redacted] from 7/30/70 to 2/1/71 and from 4/19/71 to 6/25/71.  
Telephone numbers involved were [redacted]  
[redacted] Dates  
of authorization and reauthorization by the Attorney General  
were 5/21/70, 8/19/70, 11/19/70, and 4/6/71. (U)

II. Plaintiffs having a proprietary interest in premises  
covered by electronic surveillance. (U)

A. From 4/1/71 to 5/13/71 a telephone surveillance  
was conducted at the residence located at [redacted]  
[redacted] Washington, D. C. The telephone  
numbers involved were [redacted] The telephone  
service was listed to [redacted] The apartment was  
leased by [redacted] Neither [redacted] nor any of the  
other individual plaintiffs in captioned matter were overheard  
through the surveillance. It was authorized by the Attorney  
General on 3/30/71 and reauthorized by him on 4/29/71. (U) b6  
b7C

III. The following plaintiffs have not been the subjects  
of electronic surveillance by the FBI. Also, there has been  
no electronic surveillance of any premises in which they are  
known to have or to have had proprietary interests as owners,  
lessees or licensees: (U)

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David T. Dellinger, et al. - VS - John N. Mitchell, et al.  
District Court for the District of Columbia  
Civil Action No. 1768-69

David T. Dellinger  
John R. Froines  
Thomas E. Hayden  
Abbott H. Hoffman  
Jerry C. Rubin  
Bobby G. Seale  
Leo J. Weiner  
Congress of Racial Equality  
Southern Conference Educational Fund  
American Servicemen's Union  
Catholic Peace Fellowship  
War Resisters League

(U)

IV. Individuals who appear to be identical to the following plaintiffs have participated in conversations monitored by electronic surveillances conducted by the FBI:

(U)

A. Rennard C. Davis

On 9/21/63 Davis was overheard through a telephone surveillance at the residence of [redacted] New York. The surveillance was in operation from 8/5/63 to 7/1/65 and from 8/18/65 to 11/29/66. Telephone numbers involved were KI 9-2804, [redacted] and [redacted]. Dates of authorization and reauthorization by the Attorney General were 7/23/63, 5/27/65, 11/22/65, and 5/20/66.

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(U)

On 4/8/64 Davis was overheard through a telephone surveillance at the residence of [redacted] New York, New York. The surveillance was in operation from 11/15/63 to 1/27/66. The telephone number involved was YU 9-9690. Dates of authorization and reauthorization by the Attorney General were 10/31/63, 6/4/65 and 11/26/65.

(U)

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David T. Dellinger, et al. - VS - John N. Mitchell, et al.  
District Court for the District of Columbia  
Civil Action No. 1768-69

On 7/3/64 Davis was overheard through a telephone surveillance at the residence of [redacted] New York. The telephone number involved was [redacted] 8-3718. The surveillance was in operation from 7/1/64 to 10/9/64. It was authorized by the Attorney General on 6/30/64. (U)

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Davis was overheard through a telephone surveillance at the National Headquarters of the Communist Party, USA (CPUSA), 23 West 26th Street, New York, New York, on 2/20/68, 2/27/68 and 3/1/68. Telephone numbers involved were MU 5-5755, MU 5-5756, MU 5-5757, MU 5-5758, and MU 5-5750. The surveillance was last installed on 11/23/62 and it has been in operation since then. Dates of authorization and reauthorization by the Attorney General were 3/8/42, 2/13/56, 5/7/62, 6/23/65, 1/5/66, 6/21/66, 12/29/66, 3/31/67, 6/27/67, 9/22/67, 12/26/67, 4/1/68, 6/29/68, 9/27/68, 12/31/68, 3/28/69, 6/20/69, 9/8/69, 10/29/69, 1/29/70, 4/29/70, 7/28/70, 10/29/70, 1/28/71, 5/3/71, 7/29/71, 10/29/71, 1/27/72, 4/28/72, 8/10/72, and 10/31/72. (U)

On 6/4/65 Davis was overheard through a telephone surveillance of the Students for a Democratic Society (SDS), 1103 East 63rd Street, Chicago, Illinois. The surveillance was in operation from 6/4/65 to 7/20/65 and from 7/30/65 to 1/21/66. The telephone number involved was [redacted]. The surveillance was authorized by the Attorney General on 6/4/65. (U)

Davis was overheard through a telephone surveillance of the National Headquarters of the SDS, 1608 West Madison Street, Chicago, Illinois, on the following dates: 6/10, 26/69; 7/2, 8, 9, 10, 11, 12, 14, 15/69; 8/28/69; and 10/4/69. Telephone numbers involved were [redacted]. The surveillance was in operation from 5/28/69 to 2/19/70. It was authorized and reauthorized by the Attorney General on 5/14/69, 8/14/69, 11/13/69, and 2/12/70. (U)

- 7 -

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David T. Dellinger, et al. - VS - John N. Mitchell, et al.  
District Court for the District of Columbia  
Civil Action No. 1768-69

On 6/10/69 and 7/14/69 Davis was overheard through the above-mentioned telephone surveillance of the BPP at 2350 West Madison Street, Chicago, Illinois. (U)

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b7C

On 11/27/70 Davis was overheard through a telephone surveillance at the residence of [redacted] Ohio. The telephone numbers involved were [redacted]. The surveillance was in operation from 11/16/70 to 1/31/71. Dates of authorization and reauthorization by the Attorney General were 10/27/70, 11/24/70, 12/12/70, and 1/21/71. (U)

On the following dates Davis was overheard through a telephone surveillance at the residence of [redacted] Ohio: 3/4, 13, 15/71. The telephone number involved was [redacted]. The surveillance was in operation from 2/18/71 to 6/4/71. Dates of authorization and reauthorization by the Attorney General were 2/5/71, 3/4/71, 3/31/71, and 5/3/71. (U)

b6  
b7C

Davis was overheard through the above-mentioned telephone surveillance of the BPP at 1370 Boston Road, Bronx, New York, on 5/26/70 and 5/30/70. (U)

On 7/14/70 Davis was overheard through a telephone surveillance at the residence of [redacted] California. Telephone numbers involved were [redacted]. The surveillance was in operation from 7/14/70 to 11/2/70. Dates of authorization and reauthorization by the Attorney General were 6/29/70, 7/29/70, 9/2/70, and 10/1/70. (U) (X)

- 8 -

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David T. Dellinger, et al. - VS - John N. Mitchell, et al.  
District Court for the District of Columbia  
Civil Action No. 1768-69

On 1/26/68 Davis was overheard through a telephone surveillance of the headquarters of the New York District (New York State), CPUSA, 33 Union Square West, New York, New York. Telephone numbers involved were [REDACTED]

b6  
b7C

[REDACTED] The surveillance was in operation from 4/20/67 to 4/22/70. Dates of authorization and reauthorization by the Attorney General were 5/3/67, 6/27/67, 9/22/67, 12/26/67, 4/1/68, 6/29/68, 9/27/68, 12/31/68, 3/28/69, 6/20/69, 9/8/69, 10/27/69, and 1/27/70. (S)

B. David T. Dellinger

On 9/18/64 Dellinger was overheard through a telephone surveillance [REDACTED]

b7D

[REDACTED] Telephone numbers involved in that coverage were NO 7-3301, NO 7-3302 and 667-4188. The surveillance was in operation from 9/30/42 to 10/11/69. Dates of authorization and reauthorization by the Attorney General were 9/24/42, 5/5/65, 10/27/65, 5/5/66, 12/29/66, 3/31/67, 6/27/67, 9/22/67, 12/26/67, 4/1/68, 6/19/68, 9/27/68, 12/31/68, 3/28/69, 7/1/69, and 9/12/69. (U)

On 10/15/65 Dellinger was overheard through the [REDACTED] mentioned telephone surveillance of the SDS, 1103 East [REDACTED] Street, Chicago, Illinois. (U)

Dellinger was overheard through the [REDACTED] mentioned telephone surveillance of the National Headquarters of the CPUSA on the following dates: 10/19, 25/65; 7/6/66; 3/6, 14/67; 4/13/67; 7/31/68; 1/15/69; [REDACTED] 6/4, 10/69; and 5/19/72. (S)

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Dellinger was overheard through a telephone surveillance of the headquarters of the New York District (New York State), CPUSA, then located at 23 West 26th Street, New York, New York, on the following dates: 12/7/62; 9/23/63; 12/17/65; and 6/16/66. Telephone numbers involved were MU 5-5750, MU 5-5751, MU 5-5752, MU 5-5753, and MU 5-5754. The surveillance was last installed on 11/23/62 and it was discontinued on 4/19/67. Dates of authorization and reauthorization by the Attorney General were 2/13/56, 5/7/62, 6/23/65, 1/5/66, 6/21/66, 12/29/66, and 3/31/67. (X)

Dellinger was overheard through a telephone surveillance at the residence of [redacted] b6

[redacted] New York, on 9/10 and 15/65. The telephone number involved was CY 9-7341. The surveillance was in operation from 4/13/62 to 2/9/67. Dates of authorization and reauthorization by the Attorney General were 5/18/61, 5/20/65, 11/10/65, 5/13/66, and 12/29/66. (X) (U)

b6  
b7C

Dellinger was overheard through a telephone surveillance at [redacted]

New York, New York, on the following dates: 4/5/61; 11/30/61; 3/14/62; and 8/31/62. He was also overheard through the telephone surveillance [redacted] at the subsequent location of [redacted] on the following dates: 4/15, 24, 27/64; 9/10, 25/64; 5/2, 16/66; 7/24/67; 12/18, 24, 27/67; 1/2, 3/68; 2/23, 27/68; 3/14/68; 5/2, 21/68, 8/7/68; 12/16, 27/68; 3/24/69; 4/15/69; 5/20, 22, 23/69; 7/1/69; 7/1/71; 5/3, 13/72; and 7/20, 24/72. Telephone numbers involved were YUKon 6-8028, YUKon 6-8029, YUKon 6-9173, UN 1-5250, UN 1-5251, UN 1-5252, and UN 1-1404. The surveillance was in operation from 8/11/60 to 12/31/62. It was reinstituted on 1/10/63 and it has been in operation since then. Dates of (X) (U)

b7D

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Civil Action No. 1768-69

authorization and reauthorization by the Attorney General were  
8/2/60, 10/8/65, 4/13/66, 12/29/66, 3/31/67, 6/27/67, 9/22/67,  
12/26/67, 4/1/68, 6/29/68, 9/27/68, 12/31/68, 3/28/69, 6/23/69,  
9/8/69, 10/29/69, 2/6/70, 4/29/70, 7/30/70, 10/29/70 [redacted] b1

Dellinger was overheard through a telephone surveillance  
at the residence of [redacted]

[redacted] New York, on 4/21 and 22/65 and on 6/8/65. The telephone number involved was SC 4-7643. The surveillance was in operation from 2/12/64 to 4/3/64, from 5/12/64 to 3/8/66 and from 3/30/66 to 9/23/69. Dates of authorization and reauthorization by the Attorney General were 2/4/64, 6/15/65, 12/15/65, 6/13/66, 12/29/66, 3/31/67, 6/27/67, 9/22/67, 12/26/67, 4/1/68, 6/29/68, 9/27/68, 12/31/68, 3/28/69, and 6/23/69. (X) u

On 6/23/64 Dellinger was overheard through the above-mentioned telephone surveillance at the residence of Bayard Rustin, Apartment 9J, 340 West 28th Street, New York, New York. (U)

Dellinger was overheard through a telephone surveillance at the headquarters of the July 26th Movement, 600 West 139th Street, New York, New York, on 4/21/61. The telephone number involved was AU 1-7620. The surveillance was in operation from 4/19/61 to 10/31/61. It was authorized by the Attorney General on 10/11/60. (X) u

Dellinger was overheard through a telephone surveillance of the Fair Play for Cuba Committee at 799 Broadway, New York, New York, on the following dates: 5/29/61; 6/2/61; 7/7, 25, 27/61; 9/12, 14/61; 10/18, 20, 26/61; and 11/6/61. The telephone numbers (U)

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involved were OR 4-8295 and OR 4-8444. The surveillance was in operation from 5/26/61 to 12/11/61. It was authorized by the Attorney General on 5/23/61. (U)

On 4/19/69 Dellinger was overheard through the above-mentioned telephone surveillance on the BPP National Headquarters at 3106 Shattuck Avenue, Berkeley, California. (U)

On 4/26/65 Dellinger was overheard through a telephone surveillance at [REDACTED] b6 b7C

[REDACTED] The telephone number involved was [REDACTED] The surveillance was in operation from 1/30/64 to 6/6/66 and from 6/10/66 to 1/9/67. Dates of authorization and reauthorization by the Attorney General were 10/4/63, 6/15/65, 12/10/65, 6/7/66, and 12/29/66. (U) (S) (U)

On 4/27/65 Dellinger was overheard through a telephone surveillance at the residence of [REDACTED]

[REDACTED] The telephone number involved was [REDACTED] The surveillance was in operation from 1/31/64 to 6/6/66 and from 6/10/66 to 1/9/67. Dates of authorization and reauthorization by the Attorney General were 1/21/64, 6/15/65, 12/10/65, 6/7/66, and 12/29/66. (U) (S) (U)

On 7/13/69 Dellinger was overheard through the above-mentioned telephone surveillance of the SDS at 1608 West Madison Street, Chicago, Illinois. (U)

On 7/2/69 and on 9/16/71 Dellinger was overheard through the above-mentioned telephone surveillance of the BPP at 2026 Seventh Avenue, New York, New York. (U)

On 4/4 and 7/71 Dellinger was overheard through a telephone surveillance of the Peoples Coalition for Peace and (U)

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Civil Action No. 1768-69

Justice (PCPJ), 1029 Vermont Avenue, Northwest, Washington, D. C.  
The following telephone numbers were involved in the surveillance:

b6  
b7C

[REDACTED]

The surveillance was in operation from 4/1/71 to 5/13/71. It was authorized by the Attorney General on 3/30/71 and reauthorized by him on 4/29/71. (U)

On 8/2/67 and 2/9/68 Dellinger was overheard through the above-mentioned telephone surveillance at the headquarters of the New York District (New York State), CPUSA, 33 Union Square West, New York, New York. (U)

On 6/25/70 Dellinger was overheard through the above-mentioned telephone surveillance of the BPP at 1370 Boston Road, [REDACTED] New York. (U)

C. [REDACTED]

b6  
b7C

[REDACTED] was overheard through the above-mentioned telephone surveillance of the BPP at 35 Sylvan Avenue, New Haven, Connecticut, on 8/18/70, 9/1/70 and 11/5/70. (U)

On 9/17/69 [REDACTED] was overheard through the above-mentioned telephone surveillance of the National Headquarters of SDS at 1608 West Madison Street, Chicago, Illinois. (U)

On 4/23/70 [REDACTED] was overheard through the above-mentioned telephone surveillance of the BPP at 1370 Boston Road, Bronx, New York. (U)

On 4/5/71 [REDACTED] was overheard through the above-mentioned telephone surveillance of the PCPJ at 1029 Vermont Avenue, Northwest, Washington, D. C. (U)

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David T. Dellinger, et al. - VS - John N. Mitchell, et al.  
District Court for the District of Columbia  
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D. [REDACTED]

b6  
b7C

On 8/3/60 [REDACTED] was overheard through a telephone surveillance at [REDACTED]

[REDACTED] San Francisco, California. Telephone numbers involved were EXbrook 2-1602, EXbrook 2-1603, EXbrook 2-1604, EXbrook 2-1605, and EXbrook 2-1606. The surveillance was in operation from 11/1/42 to 2/10/67. Dates of authorization and reauthorization by the Attorney General were 10/26/42, 6/17/65, 12/20/65, 6/14/66 and 12/29/66. (U)

[REDACTED] was overheard through the above-mentioned telephone surveillance of the National Headquarters of the BPP at Berkeley and Oakland, California, on the following dates: 2/27/69; 3/2,4,10,13,19,22,24/69; 4/3,18/69; 5/19/69; 7/26/69; 3/23/70; and 12/3/70. (U)

On 11/1/69 [REDACTED] was overheard through a telephone surveillance at the residence of [REDACTED] California. The residence was occupied at that time by [REDACTED]. The telephone number involved was [REDACTED]. The surveillance was in operation from 10/17/69 to 12/24/69 and from 1/7/70 to 5/1/70. It was authorized by the Attorney General on 9/16/69 and reauthorized by him on 12/15/69 and 3/13/70. (U)

b6  
b7C

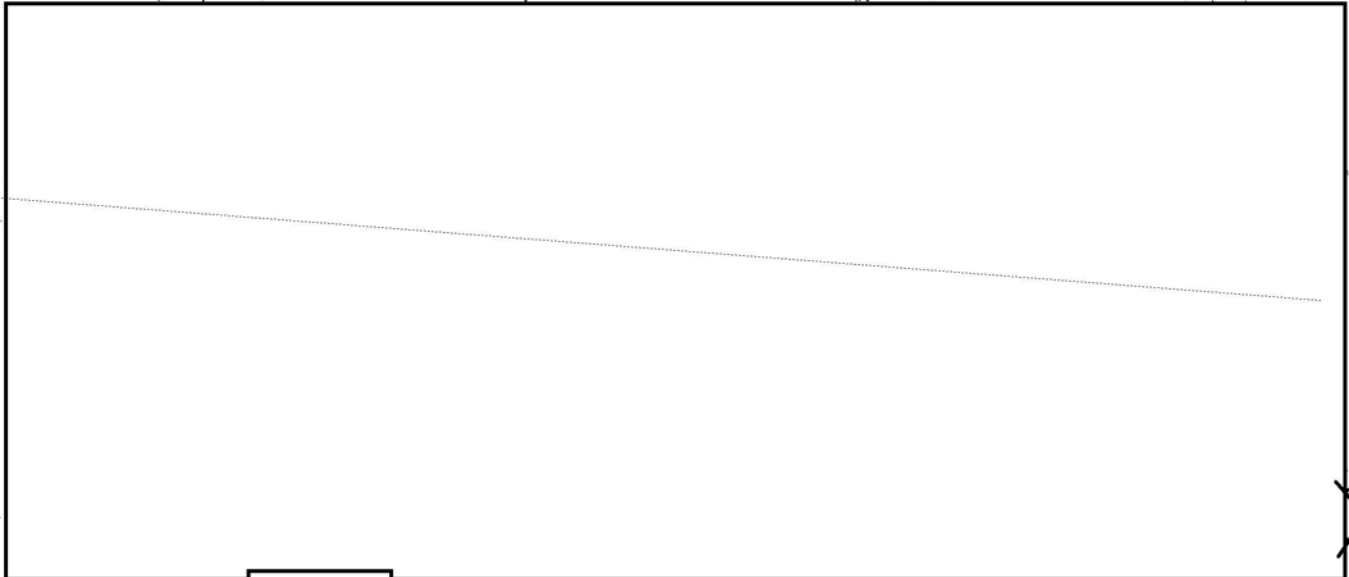
On 3/15/71 [REDACTED] was overheard through a telephone surveillance at the residence of [REDACTED] California. The telephone number involved was [REDACTED]. The surveillance was in operation from 3/8/71 to 4/2/71 and from 4/12/71 to 5/7/71. It was authorized by the Attorney General on 3/2/71 and reauthorized by him on 4/8/71. (U)

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David T. Dellinger, et al. - VS - John N. Mitchell, et al.  
District Court for the District of Columbia  
Civil Action No. 1768-69

b1  
b6  
b7C



[redacted] was overheard through the above-mentioned  
telephone surveillance at [redacted]



b6  
b7C  
b7D

~~(S)~~

E. Abbott H. Hoffman

Hoffman was overheard through the above-mentioned  
telephone surveillance [redacted]

[redacted] on 6/23/69 and 6/25/69.

~~(S)~~ b7D

Hoffman was overheard through the above-mentioned  
telephone surveillance at the National Headquarters of the  
BPP, Berkeley, California, on 6/10/69, 6/11/69 and 7/9/69.

(U)

On 7/16/69 Hoffman was overheard through the above-  
mentioned telephone surveillance at the National Headquarters  
of the SDS at Chicago, Illinois.

(U)

On 11/20 and 27/70 Hoffman was overheard through the  
above-mentioned telephone surveillance at the residence of  
[redacted] at Cleveland, Ohio.

(U)

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b6  
b7C

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Civil Action No. 1768-69

b6  
b7C

On 4/13/71 Hoffman was overheard through the above-mentioned telephone surveillance at the residence of [redacted], Ohio. (U)

F. Jerry C. Rubin

On 6/19/65 and 6/21/65 Rubin was overheard through a telephone surveillance at the residence of [redacted]

(U) The telephone number involved was MU 4-5250. The surveillance was in operation from 5/17/65 to 8/5/65. It was authorized by the Attorney General on 5/5/65. (S)

On 5/21/65 Rubin was overheard through a telephone surveillance at [redacted]

b7D

[redacted] Telephone numbers involved in the surveillance were: AD 4-3301; AD 4-3302; AD 4-3303; AD 4-4554; AD 2-8372;

(U) [redacted] The surveillance was in operation during the following periods: 11/13/63 to 12/5/63; 3/4/65 to 2/10/67; 3/20/68 to 5/15/68; 5/24/68 to 7/11/68; and 10/29/68 to 1/6/69. Dates of authorization and reauthorization by the Attorney General were 11/5/63, 2/26/65, 10/12/65, 4/12/66, 12/29/66, 3/12/68, 4/1/68, 5/24/68, 6/29/68, 9/27/68, 10/29/68, and 12/31/68. (S)

b6  
b7C

On 5/5/67 and 8/4/67 Rubin was overheard through the above-mentioned telephone surveillance at the National Headquarters of the CPUSA, New York, New York. (U)

On 10/25/64 Rubin was overheard through a microphone surveillance at the W.E.B. Dubois Clubs of America, 5935 Grove Street, Oakland, California. The surveillance was in operation from 8/7/64 to 1/12/65. It was authorized on 8/1/64 under the general authority of the Attorney General. (U)

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David T. Dellinger, et al. - VS - John N. Mitchell, et al.  
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Civil Action No. 1768-69

On 4/23/65 Rubin was overheard through a telephone surveillance at the residence of [redacted] b6 b7C  
[redacted] California. The telephone number involved was [redacted]. The surveillance was in operation from 12/7/64 to 3/18/66. It was authorized by the Attorney General on 12/1/64 and reauthorized by him on 7/20/65 and 1/26/66. (U)

On 5/19/65 Rubin was overheard through the above-mentioned telephone surveillance at the [redacted] (U)  
[redacted] California. (U)

On 4/14/69 Rubin was overheard through the above-mentioned telephone surveillance at BPP National Headquarters, 3106 Shattuck Avenue, Berkeley, California. (U)

Rubin was overheard on 9/22/70 through a telephone surveillance at the headquarters of the White Panther Party, 1520 Hill Street, Ann Arbor, Michigan. The telephone number involved was [redacted]. The surveillance was in operation from 9/9/70 to 1/26/71. Dates of authorization and reauthorization by the Attorney General were 8/19/70, 9/22/70, 10/21/70, 11/19/70, 12/12/70, and 1/18/71. (U)

On 3/15/71 Rubin was overheard through the above-mentioned telephone surveillance at the residence of [redacted] (U) b6 b7C  
[redacted] California.

G. [redacted]  
[redacted] was overheard through the above-mentioned telephone surveillance of the BPP at 3106 Shattuck Avenue, Berkeley, California, on the following dates: 2/28/69; 3/1,2,3,4,5,7,10,16,22,23,25,26,27,28,29,31/69; 4/1,2,3,4,5,6,7,10,11,12,14,15,16,17,18,19,20,21,22,23,24,25,26,28,29,30/69; 5/2,3,4,5,6,7,9,10/69; (U)



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Civil Action No. 1768-69

5/12,13,14,16,17,20,21,22,23,25,26,27,28,29,30,31/69; 6/2,3,4,5,  
6,7,10,11,12,13,14,16,19,20,22,23,24,25,26,27,30/69; 7/1,2,3,4,5,  
6,8,9,10,11,12,13,14,15,16,17/69; and 3/13/70. (U)

[ ] was overheard through the above-mentioned tele-  
phone surveillance of the BPP at 2350 West Madison Street,  
Chicago, Illinois, on the following dates: 6/5,20,26/69;  
7/1/69; 6/17,25,26/71; 7/30/71; 8/4,8,25,26/71; 9/24/71;  
10/8/71; 11/4,5,16,30/71; and 12/1,2,6,17/71. (U)

[ ] was overheard through the above-mentioned tele-  
phone surveillance of the BPP at 2026 7th Avenue, New York,  
New York, on the following dates: 6/23,26/69; and 7/3/69. (U)

b6  
b7C

[ ] was overheard through the above-mentioned tele-  
phone surveillance of the BPP at 1336 1/2 Fillmore Street,  
San Francisco, California, on the following dates: 5/27/69;  
6/7,14,16,23/69; 7/6,8,12/69; 7/31/71; 8/19,22,25/71; and  
9/1,9,19/71. (U)

[ ] was overheard through the above-mentioned tele-  
phone surveillance of the BPP at 1046 Peralta, Oakland, California,  
on the following dates: 6/12,14,17,18,19,22/71; 7/4,5,6,7,  
10,12,14,15,26,27,28/71; 8/1,3,7,9,11,12,13,16,17,18,21,23,  
24,25,26,27,30,31/71; 9/1,3,5,7,10,13,14,17,20,22,23,24,27,  
28,29,30/71; 10/1,2,3,4,5,6,7,8,12,13,15,16,18,22,26,27/71;  
11/4,5,7,8,16,19,20,22,24,25,26,29,30/71; 12/5,17,22,27,28/71;  
1/5,7,10,11,14,16,18,22,24/72; 2/4,11,12,17,21,25,28/72;  
3/1,2,6,7,8,9,10,14,15,16,17,18,19,20,22,23,25,27,28,31/72;  
4/1,4,5,9,11,17,18,21,25,28,30/72; and 5/7,8,9,10,11,15,17/72. (U)

[ ] was overheard through the above-mentioned tele-  
phone surveillance of the BPP at 1200 Lakeshore Drive, Oakland,  
California, on the following dates: 6/11,12,13,16,17,19,21,23/71; (U)

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David T. Dellinger, et al. - VS - John H. Mitchell, et al.  
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Civil Action No. 1768-69

6/25,26,28/71; 7/5,7,12,14,15,26/71; 8/4,6,8,12,13,14,16,18,20,  
22,23,24,25,27,28,30/71; 9/1,2,3,10,11,12,13,20,21,22,27,30/71;  
10/4,20,21,31/71; 11/7,9,19,22,25,26,28/71; 12/1,14,15,17,27,  
31/71; 1/7,9,13,28/72; 2/7,11,22,23,24,25/72; 3/19,22,23,29,30/72;  
4/1,3,5,6,9,11,12,15,17,18,19,20,21,24,25,26,27,29,30/72; 5/1,2,4,  
5,7,8,9,10,12,13,15,17,18,19,21,22,24,29,30,31/72; and 6/2,4,7,8,  
9,10,12,13,16/72. (U)

[ ] was overheard through the above-mentioned micro-  
phone surveillance of the BPP at 1200 Lakeshore Drive, Oakland,  
California, on the following dates: 6/13,14,15,16,21,22,25,26/71;  
7/6,7/71; 8/10,13,20,22,27/71; 9/3,12,17/71; 10/9,10/71; 11/4,7,  
12,22,24/71; 12/6,10,15,21,31/71; 1/17,25/72; 2/23/72; 3/9,23,24/72;  
4/3,12,17,20,24,27/72; 5/3,24/72; and 6/9,12/72. (U)

[ ] was overheard through the above-mentioned tele-  
phone surveillance of the BPP at 8505 East 14th Street, Oakland,  
California, on the following dates: 6/6,7,8,12,13,14,16,17/72. (U)

On 6/26/69 and 7/5/69 [ ] was overheard through the  
above-mentioned telephone surveillance of the National Headquarters  
of the SDS at Chicago, Illinois. (U)

H. [ ]

On 6/27/69 [ ] was overheard through the above-  
mentioned telephone surveillance of the BPP at 3106 Shattuck  
Avenue, Berkeley, California. (U)

V. Plaintiffs whose conversations have not been overheard  
during the course of electronic surveillance of others. (U)

A. None.



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Civil Action No. 1768-69

Attached are single copies of 241 communications, or pertinent portions thereof, which contain the above-mentioned authorizations and reauthorizations by the Attorney General. It is noted that some of the communications concern more than one surveillance. (U)

Enclosures - 241

NOTE:

Captioned civil suit, initiated 6/29/69 on behalf of 17 plaintiffs, concerns electronic surveillance. Plaintiffs (the "Chicago 8" and 9 organizations) sought declaratory and injunctive relief, as well as damages. Three organizational plaintiffs were subsequently dropped. (U)

By memorandum 11/20/72, Department requested electronic surveillance information regarding the plaintiffs, anticipating that in defense of the suit, an in camera submission will be made to the court. (U)

Compilation of responsive information, set out in instant communication, involved 37 field offices and extensive file review at FBIHQ. (U)

Elsur request referred to Domestic Intelligence Division by Office of Legal Counsel, which is handling the suit and which will furnish above information to the Department by separate cover communication. (U)

Classified "~~TOP SECRET~~" inasmuch as information contained herein taken from documents so classified. (U)

20 -  
~~TOP SECRET~~

Date of Mail 12-7-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

515820  
10/15/93 9803 RDD/180  
**ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED**

DATE 12/8/81 BY SP-56ja/rp  
3-13-92 8123 MCH/180

Subject

JUNE MAIL -

David Tyre Rellinger  
10/26/95 9803 RDD/ACE/dgm 315820

Removed By 79 APR 4 1973File Number 62-112989-36

Permanent Serial Charge Out

Date of Mail 12-19-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803RDD/BCE/ajm  
 315820  
 10/7/93 9803RDD/8180  
 ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 12/8/81 BY SP5 sig/tpw

3-13-92 2123mcH180

Subject

JUNE MAIL

- David Tyre Wellinger

315820

F139

Removed By

84 DEC 27 1972

File Number

62-112989-37

Permanent Serial Charge Out

Date of Mail 12-19-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/6/95 9803RDD/BCE/ogm  
 315820  
 10/7/93 9803RDD/PC  
**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED**  
**DATE** 12/8/91 **BY** SP-5 jg/ry

3-13-92 8123mcH/SC  
 315820

Subject

JUNE MAIL

David Tyre Pullinger  
 FBI

Removed By 84 DEC 27 1972File Number 62-112989-38

Permanent Serial Charge Out

Date of Mail 12-15-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/6/95 9803RDD/BCE/Dgn  
 3/5820  
 10/7/93 9803RDD/SC  
 ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 12/8/81 BY SP5/jg/yp  
 3-13-92 8123mcN/SC  
 3/5820

Subject JUNE MAIL - David Tyre DellingerRemoved By 84 JAN 2 1973File Number 62-112989-39

Permanent Serial Charge Out

~~SECRET~~

airtel

1/3/73

1 - Mr. R. J. Deily

To: SAC, WFO (66-779 Sub G)

From: Acting Director, FBI (62-112989)

ELSUR  
DAVID TYRE DELLINGER, ET AL - VS  
ATTORNEY GENERAL JOHN N. MITCHELL, ET AL  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS  
(ATTENTION: INTERNAL SECURITY SECTION)

3-13/92  
Classified by 8123 mch/150  
Declassify on: OADR 3/15/820  
10/7/93 9803 RDD/150  
3/5/820

ReBuairtel to AQ and other offices, including WFO, dated 12/7/72, and WFOairtel to the Bureau dated 12/13/72. *sw46*

Advise by airtel of the telephone numbers involved in the coverage afforded by [ ] during the period 9/30/42, to 10/11/69. Also, advise of address or addresses of the subject of that coverage during the same period. (3)

b7D

RJD:car  
ebc (4)

REC-23

62-112989-40

EX-108

JAN 4 1973

NOTE:

Extensive ELSUR request from Department in connection with captioned civil suit requires information regarding all overhearings of eight individual plaintiffs as well as information regarding ELSUR coverage of seven organizations who are also plaintiffs.

- Felt
- Baker
- Callahan
- Cleveland
- Conrad
- Dalbey
- Gebhardt
- Jenkins
- Marshall
- Miller, E.S.
- Purvis
- Soyars
- Walters
- Tele. Room
- Mr. Kinley
- Mr. Armstrong
- Ms. Herwig
- Mrs. Neenan

MAILED 21  
JAN - 3 1973  
FBI

CLASS. & EXT. BY SR5 *rip/12*  
REASON/FCIM 11, 1-2.4.2 *12*  
DATE OF REVIEW 1/3/93  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
EXCEPT WHERE SHOWN  
OTHERWISE

~~SECRET~~

57 JAN 10 1973

MAIL ROOM ☐ TELETYPE UNIT ☐

CLASSIFIED BY: 9803 RDD/150  
REASON: 1.5 (C)(d)  
DECLASSIFY ON: X1, X6  
10-25-95



ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 3/15/92 BY 8123mc HJS

315820

On this Envelope

10/7/93 9803 RDD 18

315820

10/26/95 9803 RDD/BCE/AN

F B I

Date: 12/14/72

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Priority)

TO: ACTING DIRECTOR, FBI (62-112989)

FROM: SAC, PITTSBURGH (92-407 SUB-2) (RUC)

SUBJECT: ELSUR  
DAVID TYRE DELLINGER, et al - VS—  
ATTORNEY GENERAL JOHN N. MITCHELL, et al  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS  
(ATTENTION: INTERNAL SECURITY SECTION)  
BUDED: 12/15/72

Re Bureau airtel to Albuquerque, et al, dated  
12/7/72. *see 36*

Review of Pittsburgh special indices reflects that DAVID T. DELLINGER, RENNARD C. DAVIS, THOMAS E. HAYDEN, JERRY C. RUBIN, ABBOTT H. HOFFMAN, BOBBY GEORGE SEALE, JOHN R. ROINES, and LEE J. WIENER were never the subject of electronic surveillance by the Pittsburgh Office, nor were they ever present at any conversations under surveillance by this office. None of these individuals were the owners, lesser, or lessee of any premises on which electronic surveillance was conducted by the Pittsburgh Office.

[ST-104]

2 - Bureau  
1 - Pittsburgh

RJC/map  
(3)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 12/8/81 BY SP5 *sig/tp*

3-13-92 8123mcx/SC

Approved: \_\_\_\_\_  
Special Agent in Charge

Sent \_\_\_\_\_

10/21/95 9803RDD/bce/ogm  
3/5820 REC-67

10/8/93 9803RDD/SC

62-112777-42

1972

INT. SEC.

54 MAR 1973

315820

*Handwritten signatures and initials*

315820  
10/8/93 9803 RDD/JP  
**ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED**

FBI

Date: 12/12/72

DATE 12/8/81 BY SP-5 Nig/vr

Transmit the following in

3-13-92 8123 mcl/JP (Type in plaintext or code)

AIRTEL

Via

10/26/95 9803 RDD/JP (Priority)

TO: ACTING DIRECTOR, (62-112989)

FROM: SAC, RICHMOND (66-271)

ELSUR

DAVID TYRE DELLINGER, ET AL - VS  
ATTORNEY GENERAL JOHN N. MITCHELL, ET AL  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

(ATTENTION) INTERNAL SECURITY SECTION)

BUDED 12/15/72

Re Buairtel to Richmond, 12/7/72. *slu 36*

(1) DAVID T. DELLINGER; RENNARD C. DAVIS, THOMAS E. HAYDEN, JERRY C. RUBIN, ABBOTT H. HOFFMAN, BOBBY GEORGE SEALE, JOHN R. FROINES, LEE J. WEINER, The Black Panther Party, Student National Coordinating Committee, Congress of Racial Equality, Southern Conference Educational Fund, American Servicemen's Union, National Mobilization Committee To End The War in Vietnam, New York Resistance, Catholic Peace Fellowship and War Resisters League were not the subjects of electronic surveillances by the Richmond Office.

(2 and 3) An electronic surveillance was not conducted on any premises of which the above individuals or organizations were owner, lessee or licensee to the knowledge of the Richmond Office.

(4 and 5) The above individuals and organizations were not present at nor did they participate in conversations overheard in any electronic surveillance of the Richmond Office.

2 - Bureau  
1 - Richmond  
ULS/vlr  
(3)

ST-104

REC-67

20 DEC 15 1972

Approved:

Special Agent in Charge

Sent

Per

FBI

Date: 12/12/72

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via AIRTELAIR MAIL

(Priority)

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Purvis	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mr. Neenan	_____

TO: ACTING DIRECTOR, FBI (62-112989)  
(ATTENTION: INTERNAL SECURITY SECTION)

FROM: SAC, ST. LOUIS (66-2473)

RE: ELSUR  
DAVID TYRE DELLINGER, et al - VS  
ATTORNEY GENERAL JOHN N. MITCHELL, et al  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS  
BUDED: 12/15/72

ReBuairtel, 12/7/72. sel 36

St. Louis files fail to reflect any of the individuals mentioned in referenced airtel was ever the subject of, present at or a participant in conversations monitored by ELSUR in St. Louis.

EX-109

2 - Bureau (RM)  
1 - St. Louis  
MJW:jtc  
(3)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 12/8/81 BY 445820

3-13-92 812 JMC ALSC  
10-26-95 9803 RDD/BCE/dgm

REC-64

MAR 6 1973

51 MAR 12 1973

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

F B I

Date: 12/12/72

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via A I R T E L \_\_\_\_\_  
(Priority)TO: ACTING DIRECTOR, FBI (62-112989)  
ATTN: INTERNAL SECURITY SECTION

FROM: SAC, MIAMI (62-5710)

RE: ELSUR  
DAVID TYRE DELLINGER, et al. - VS  
ATTORNEY GENERAL JOHN N. MITCHELL, et al.  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS  
BUDED: 12/15/72

Re Bureau airtel, dated 12/7/72, captioned as above.

Miami Elsur indices negative regarding the  
plaintiffs listed in the referenced airtel.3 - Bureau (RM)  
1 - Miami  
RGS:jkj  
(4)

EX-109

REC-64

DEC 16 1972

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 12/8/81 BY

3-13-92 8123 mcd

315820

Approved

Special Agent in Charge

Sent

M

Per

Date of Mail 12-13-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803RDD/ACE/CPM  
 315820  
 10/8/93 9803RDD/SC  
**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED**  
**DATE 12/8/81 BY sp-5 sig/np**  
 3-13-92 8123 mch/SC  
 315820

Subject JUNE MAIL - David Tyre Bellinger  
 F-444Removed By 79 MAR 14 1973File Number 62-112989-46

Permanent Serial Charge Out



Date of Mail 12-14-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803RDD/906/DP  
 315820  
 10/8/93 9803RDD/50  
**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED**  
**DATE** 12/8/81 **BY** sp-5 ija/rp  
 3-13-92 8123mcH150  
 315820

Subject JUNE MAIL - David Tyre Dellinger  
F444Removed By 79 MAR 14 1973File Number 62-112989-47

Permanent Serial Charge Out

FBI

Date: 12/14/72

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_

(Priority)

TO: ACTING DIRECTOR, FBI (62-112989)  
(ATTEN: INTERNAL SECURITY SECTION)

FROM: SAC, NORFOLK (100-7240) (RUC)

ELSUR  
DAVID TYRE DELLINGER,  
et al - VS  
ATTORNEY GENERAL JOHN N. MITCHELL, et al  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS  
BUDED 12/15/72

Re Bureau airtel dated 12/7/72 entitled as above,  
and Bureau teletype dated 10/24/68 captioned "RENNARD CORDON  
DAVIS (principal subject)", ARL.

A review of the Norfolk ELSUR indices does not  
indicate any ELSURs concerning either the individuals  
or organizations in re Bureau airtel dated 12/7/72 were  
conducted.

Although Norfolk has not conducted ELSURs on the  
subjects or organizations mentioned in re Bureau airtel,  
it is noted that Norfolk used cassette recorders in recording  
public speeches in Norfolk Division made by RENNARD CORDON  
DAVIS and WILLIAM MOSES KUNSTLER.

RENNARD CORDON DAVIS appeared 3/11/71 at a public  
conference on peace and justice at the Matoaka Amphitheater  
on the campus of the College of William and Mary, Williamsburg,  
Virginia. This speech was taped on a cassette tape recorder  
by Norfolk Special Agents and reported by LHM on 3/16/71

② - Bureau  
3 - Norfolk (1 - 176-4)  
(1 - 100-6862)  
LWK:lh  
(5)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 12/8/91 BY SP-5 JAH/MSB E1813

Approved: \_\_\_\_\_

Special Agent in Charge

3-13-92

U.S. Government Printing Office: 1972 - 455-574

NF 100-7240

under the title "Appearance of RENNARD CORDON DAVIS at the College of William and Mary, Williamsburg, Virginia, 3/11/72."

WILLIAM MOSES KUNSTLER spoke 9/10/70 at the public meeting held at the Center Theater, Norfolk, Virginia. This speech was recorded on cassette recorders by Norfolk Special Agents. This is reported by LHM dated 9/15/70 entitled "Appearance of WILLIAM M. KINSTLER at the Center Theater, Norfolk, Virginia, 9/10/72." Again, KUNSTLER's public appearance at the New Calvary Baptist Church, Norfolk, on 12/11/71 was recorded on cassette recorders by Norfolk Special Agent. This was reported by LHM dated 12/17/71 entitled "Appearance of WILLIAM MOSES KUNSTLER at the New Calvary Baptist Church, Norfolk, Virginia, 12/11/72."

In view of the fact Norfolk conducted no ELSURs, this matter is considered RUC.

Date of Mail 12-14-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803RDD/ACE/Kap  
 10/8/93 9803RDD/SC 315820  
**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED**  
**DATE 12/8/81 BY sp-5njg/yp**  
 3-13-92 8123mcA/SC  
 315820

Subject JUNE MAIL - David Tyre Dellinger

Removed By

79 MAR 14 1973  
T-444

File Number

62-112989-49

Permanent Serial Charge Out

Date of Mail 12-14-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803ADP/BCE/ajm  
 10/8/93 9803 RDD/SC 315820  
**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED**  
**DATE 12/8/81 BY sp-5 nig/np**

Subject

JUNE MAIL -

David Tyre Mullinger

Removed By

79 MAR 14 1973

File Number

62-112989-50

Permanent Serial Charge Out

Date of Mail 12-18-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803RDD/BCE/dgm  
 10/8/93 9803RDD/SC 315820  
**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED**  
 DATE 12/8/81 BY sp-5 rjg/rp

3-13-92 8123mcl/SC 315820  
 T-444

Subject JUNE MAIL - David Tye Bellinger

Removed By

79 MAR 14 1973

File Number

62-112989-51

Permanent Serial Charge Out



62-112989-52

IN THIS FILE SKIPPED DURING

SERIALIZATION.

OCT 12 1977Consgg

10/26/95 9803RDD/ACE/129m

315820

10/8/93

9803RDD/SC

**ALL INFORMATION CONTAINED****HEREIN IS UNCLASSIFIED****DATE** 12/8/81 **BY** sp-5 rja/rp

3-13-92

8123 mch/SC

315820

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

NR 004 OM PLAIN

DEC 13 1972

6:20PM NITEL 12-13-72 BJP

TELETYPE

TO: ACTING DIRECTOR, FBI (62-112989)

ATTENTION: INTERNAL SECURITY SECTION

FROM: OMAHA (62-3353) (RUC) 1P

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Purvis	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

ELSUR. DAVID TYRE DELLINGER, ET AL. DASH VS ATTORNEY GENERAL  
JOHN N. MITCHELL, ET AL. ALLEGED VIOLATION OF CONSTITUTIONAL  
RIGHTS (ATTENTION: INTERNAL SECURITY SECTION) BUDED: DECEMBER  
FIFTEEN, NEXT.

RE BUREAU AIRTEL DATED DECEMBER SEVEN, LAST.

OMAHA INDICES NEGATIVE RE ALL SEVENTEEN PLAINTIFFS RE THEIR  
HAVING BEEN SUBJECTS OF ELECTRONIC SURVEILLANCE. ALSO THERE IS  
NO INDICATION THAT ANY PREMISES OWNED, LEASED, OR LICENSED BY  
THE PLAINTIFFS HAVING BEEN THE SUBJECT OF ELECTRONIC  
SURVEILLANCE. THERE IS NO INDICATION ANY OF THE PLAINTIFFS'  
CONVERSATIONS HAVE BEEN OVERHEARD DURING THE COURSE OF  
ELECTRONIC SURVEILLANCE OF OTHERS.

END

3-13-92 8123 mcd/lfc  
315820  
**ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/8/81 BY sp-5 spj/rd**

REC 43

EX-109

62-112989-53  
11 MAR 6 1973

10/8/93 9803 RDD/SC  
10/24/95 9803 RDD/BCG/DM

5 Daily

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

DEC 14 1972

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, W.S.	_____
Mr. Purvis	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

NR006 IP CODE

645 PM NITEL 12/14/72 OJS

TO ACTING DIRECTOR (62-112989)

(ATTN: INTERNAL SECURITY SECTION)

FROM INDIANAPOLIS (66-1305) 1P

JUNE

ELSUR. DAVID TYRE DELLINGER, ET AL - VS. ATTORNEY GENERAL  
JOHN N. MITCHELL, ET CL. ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS.

RE BUREAU AIRTEL, DEC. SEVEN LAST.

ELSUR CHECK BY INDIANAPOLIS RE ALL PLAINTIFFS NEGATIVE.

END

REC 43

62-112989-54

EX-109

11 MAR 6 1973

10/26/95 9803RDD/BCE/ogm

315820

10/8/93 9803RDD/SC

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/8/81 BY sp-5 jg/tp

3-13-92 8123 mcd/SC  
315820

6405  
59 MAR 13 1973

5 Daily

NR014 AT PLAIN

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

10:21 PM NITEL 12/15/72 PED <sup>DEC 15 1972</sup>

TO ACTING DIRECTOR, FBI (66-112989) <sup>62-112989</sup>

(ATTN: INTERNAL SECURITY SECTION)

FROM ATLANTA (66-823)

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalkey	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Purvis	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mr. Neenan	_____

ELSUR; DAVID TYRE DELLINGER, ET AL - VS. ATTORNEY GENERAL

JOHN N. MITCHELL, ET AL. ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS.

RE BUREAU AIRTEL TO ATLANTA, TWELVE/SEVEN/SEVENTY-TWO,  
ENCLOSING LETTER FROM ASSISTANT ATTORNEY GENERAL, INTERNAL SECURITY  
DIVISION, TO ACTING DIRECTOR, FBI, DATED ELEVEN/TWENTY/SEVENTY-TWO.

FOLLOWING ARE REPLIES TO SPECIFIC POINTS INCLUDED IN REFERENCED  
DEPARTMENTAL LETTER:

1. NONE OF NAMED PLAINTIFFS HAVE BEEN SUBJECT OF ELSUR,  
ATLANTA.

2. AND 3. NONE OF PREMISES OF PLAINTIFFS HAVE BEEN SUBJECT OF  
ELSUR, ATLANTA.

4. AND 5. NO CONVERSATIONS OF PLAINTIFFS IN ADDITION TO THAT  
PREVIOUSLY FURNISHED BY ATLANTA HAVE BEEN OVERHEARD DURING COURSE  
OF ELSUR, ATLANTA.

END

HOLD

JDJ FBI WSH DC

THREE TELS

REC 43

62-112989-55

EX-109

10/26/95

9803RDD/BCE/DGM

315820

11 MAR 6 1972

3-13-92

8123 mch/150

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/8/81 BY sp-5 jip/jrp

10/8/93

9803RDD/BCE

315820

5 Daily rom

NR 012 NK PLAIN

6:20PM NITEL 12-13-72 AW

TO ACTING DIRECTOR

FROM NEWARK (66-1356) 1P

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

DEC 13 1972

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Purvis	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mr. Neenan	_____

ELSUR; DAVID TYRE DELLINGER;

ET AL VS. ATTORNEY GENERAL JOHN N.

MITCHELL, ET AL; ALLEGED VIOLATION OF

CONSTITUTIONAL RIGHTS (ATTENTION: INTERNAL

SECURITY SECTION) BUDED DECEMBER FIFTEEN,

NEXT

RE BUREAU AIRTEL DECEMBER SEVEN, LAST.

ELSUR CHECK UP TO DATE NEGATIVE REGARDING ALL PLAINTIFFS.

END

EX-109

REC 43

10/26/95 9803 RDD/ACE/KQm 62-112989-56

10/8/93 9803 RDD/PC 315820

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 12/8/81 BY sp-5119/bp

3-13-92 8123 mc H/PC 315820

6405

MAR 6 1973

5 Dilly RD

NR006 SE CODE

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

7:19 PM NITEL 12/15/72 CAB

DEC 15 1972

TO ACTING DIRECTOR, FBI (62-112989)

FROM SAC, SEATTLE (66-2768)

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Purvis	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mr. Neenan	_____

EL SUR. DAVID TYRE DELLINGER, ET AL - VS ATTORNEY  
GENERAL JOHN N. MITCHELL, ET AL. ALLEGED VIOLATION OF  
CONSTITUTIONAL RIGHTS (ATTENTION: INTERNAL SECURITY SECTION)  
RE BUREAU AIRTEL, DECEMBER SEVEN, SEVENTYTWO.  
NO REFERENCES IDENTIFIABLE WITH PLAINTIFFS IN  
INSTANT CASE LOCATED IN SEATTLE SPECIAL INDICES.

END

WA HOLD

10/8/93 9803RDD/PC  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/7/81 BY sp-5 sjg/pp

EX-109

REC 43

62-112989-57

11 MAR 6 1973

59 MAR 13 1973

5 Daily 200



FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

TELETYPE

NR 004 PD CODE

5:48 PM NITEL 12-12-72 AJW

TO: ACTING DIRECTOR (62-112989)

ATTN: DID

FROM: PORTLAND (66-921) (P) (1P)

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Purvis	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mr. Neenan	_____

ELSUR; DAVID TYRE DELLINGER, ET AL - VS; ATTORNEY GENERAL JOHN N. MITCHELL, ET AL; ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS (ATTENTION: INTERNAL SECURITY SECTION) BUDED DECEMBER FIFTEEN, NINETEEN SEVENTYTWO.

RE BUREAU AIRTEL TO ALBUQUERQUE AND OTHER OFFICES DATED DECEMBER SEVEN, NINETEEN SEVENTYTWO.

NO ELSUR OF INDIVIDUALS MENTIONED IN REFERENCED AIRTEL IN PORTLAND DIVISION.

NO DISSEMINATION MADE OF ANY INFORMATION RECEIVED FROM SOURCES OF ELSUR INFORMATION.

END

DSS FBI WA DC CLR

REC 43

EX-109

11 MAR 6 1973

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/8/81 BY sp-5 njg/yp

59 MAR 13 1973

3-13-92 8123 MOD/LSC  
315820

5 Daily

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

NR024 TP CODE

DEC 13 1972

7:24 PM NITEL 12-13-72 BLW  
TO ACTING DIRECTOR (62-112939)  
FROM TAMPA (66-231-SUB 1)(RUC) 1P

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Gelhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Roberts	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Holmes	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mr. Neenan	_____

*A. R. Ray*

ELSUR; DAVID TYRE DELLINGER; ET AL - VS. ATTORNEY GENERAL JOHN  
N. MITCHELL; ET AL; ALLEGED VIOLATION OF CONSTITUTIONAL  
RIGHTS. (ATTENTION: INTERNAL SECURITY SECTION) BUDED  
DECEMBER FIFTEEN, SEVENTY TWO.

RE BUAIRTEL, DECEMBER SEVEN LAST.

A. SUBJECTS NAMED IN REFERENCED AIRTEL WERE NOT PRESENT  
AT, OR PARTICIPANTS IN CONVERSATIONS OVERHEARD IN ANY  
ELECTRONIC SURVEILLANCE OF THE TAMPA OFFICE.

B. AN ELECTRONICS SURVEILLANCE WAS NOT CONDUCTED ON  
ANY PREMISES OF WHICH SUBJECTS WERE THE OWNER, LESSEE OR  
LICENSEE.

ITEMS C THROUGH F NOT APPLICABLE.

END 10/26/95 9803RDD/BCE/CPM  
315820  
10/8/93 9803RDD/JP

REC 43

62-112989-59

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

EX-109

11 MAR 6 1973

DATE 12/8/81 BY SP-5 Nig/JP  
3-13-92 8123mcH18C  
315820

*5 Dailyn*

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

DEC 11 1972

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Purvis	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

NR 008 SC CODED

8:15PM NITEL 12-11-72 WCH

TO ACTING DIRECTOR (62-112989)

FROM SACRAMENTO (66-179 SUB A)

ELSUR; DAVID TYRE DELLINGER, ET AL - VS ATTORNEY GENERAL JOHN N.  
MITCHELL, ET AL; ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS (ATTN:  
INTERNAL SECURITY SECTION). BUDED: DEC. FIFTEEN, NEXT. ~~JUNE~~

RE BUREAU AIRTEL, DEC. SEVEN, LAST.

NONE OF INDIVIDUALS MENTIONED IN REAIRTEL HAVE BEEN SUBJECT OF  
ELSUR COVERAGE BY SACRAMENTO OFFICE SINCE ANY PRIOR ELSUR CHECKS.

E N D

HOLD

REC 43

EX-109

62-112989-60

17 MAR 6 1973

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 12/8/81 BY sp-5 sig/pp

59 MAR 13 1973

3-13-92 8123 mcn/18  
1005 10/26/95 9803 RDD/BCE/ogm

cc Mr. Miller

5-Inf. Sec.

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

DEC 13 1972

TELETYPE

Mr. Felt	_____
Mr. Bates	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Purvis	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

NR002 MI CODE

1033AM NITEL 12/12/72 SENT 12/13/72 LSK  
TO ACTING DIRECTOR (62-112989)  
FROM MILWAUKEE (66-950) 1 PAGE

ELSUR; DAVID TYRE DELLINGER, ET AL. DASH VS, ATTORNEY  
GENERAL JOHN N. MITCHELL, ET AL; ALLEGED VIOLATION OF  
CONSTITUTIONAL RIGHTS, (ATTENTION: INTERNAL SECURITY  
SECTION); BUDED: DECEMBER FIFTEEN, NEXT.

REBUAIRTEL TO ALBUQUERQUE, AND OTHER OFFICES,  
DECEMBER SEVEN LAST.

MILWAUKEE ELSUR INDICES CHECKED DECEMBER TWELVE  
INSTANT, BY SA [REDACTED] FOR REFERENCES TO NAMES  
OF INDIVIDUALS OR ORGANIZATIONS LISTED IN REBUAIRTEL,  
WITH NEGATIVE RESULTS.

IN VIEW OF ABOVE, ALL QUESTIONS ONE THROUGH FIVE  
OF DEPARTMENTAL MEMORANDUM, DATED NOVEMBER TWENTY, LAST,  
IN CAPTIONED MATTER, ARE NEGATIVE.

END

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 12/8/81 BY 315820  
3-13-92 8123 MCNISC

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

DEC 12 1972

NR 001 CE CODE

1-15 PM URGENT 12-12-72 EIB

TELETYPE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/8/81 BY 2055/jh/10

TO: ACTING DIRECTOR, FBI (62-112989)

ATTN: INTERNAL SECURITY DIVISION

FROM: SAC, CHARLOTTE (62-3216) 1 P

EL SUR

DAVID TYRE DELLINGER, ET AL - VS

ATTORNEY GENERAL JOHN N. MITCHELL, ET AL

ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

REBUAIRTEL DECEMBER SEVEN SEVENTYTWO. *sub 36*

DURING THE PERIOD JANUARY ONE, NINETEEN SIXTY TO DATE,  
NONE OF THE SEVENTEEN PLAINTIFFS IN CAPTIONED CASE HAVE BEEN  
THE SUBJECT OF AN ELECTRONIC SURVEILLANCE BY THIS OFFICE.

DURING THIS PERIOD THE PREMISES OF NONE OF THE SEVENTEEN  
PLAINTIFFS HAVE BEEN THE SUBJECT OF AN ELECTRONIC SURVEILLANCE.

DURING THIS PERIOD NO CONVERSATIONS OF ANY OF THE SEVENTEEN  
NAMED PLAINTIFFS HAVE BEEN OVERHEARD BY THIS OFFICE DURING  
THE COURSE OF ANY ELECTRONIC SURVEILLANCE OF OTHERS.

END

HRS FBIHQ WASHINGTON DC CLR

59 MAR 13 1973

cc - M. Miller

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Mr. Harvic	_____
Mr. Neenan	_____

MAR 6 1973

*Handwritten signature*

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

DEC 14 1972

TELETYPE

NR003 MP CODED

9:04 PM NITEL ) 12/14/72 RG

TO ACTING DIRECTOR 62-112989 1P

~~JUNE~~

FROM MINNEAPOLIS 62-3871 RUC

*A. Gray*

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Pirels	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

ELSUR, DAVID TYRE DELLINGER, ET AL DASH VS ATTORNEY GENERAL  
JOHN N. MITCHELL, ET AL; ALLEGED VIOLATION OF CONSTITUTIONAL  
RIGHTS (ATTENTION: INTERNAL SECURITY SECTION). BUDED:  
DECEMBER FIFTEEN NEXT.

RE BUREAU AIRTEL DECEMBER SEVEN LAST. *rel 36*

MINNEAPOLIS ELSUR CHECKS REGARDING COVERAGE OF NAMED  
INDIVIDUALS AND ORGANIZATIONS HAS REVEALED NO INFORMATION  
PERTINENT TO DEPARTMENTAL MEMORANDUM OF NOVEMBER TWENTY LAST.  
END.

HOLD FOR THREE

RES FBI WASH CLR ACK FOR THREE

EX-109

REC 43

62-112989-63

315820

10/8/93 9803 RDD/JP  
**ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/8/81 BY sp-5 jg/rp  
3-13-92 8123 mcl/80**

11 MAR 6 1973

59 MAR 17 1973  
600 10/26/95 315820 9803 RDD/BCE/dgm

*5 Dec 1972*



F B I

Date: 12/11/72

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL REGISTERED MAIL  
(Priority)TO: ACTING DIRECTOR, FBI (62-112989)  
(ATTENTION: INTERNAL SECURITY SECTION)

FROM: SAC, PHILADELPHIA (62-0)

ELSUR  
DAVID TYRE DELLINGER, et al. - VS.  
ATTORNEY GENERAL JOHN N. MITCHELL, et al.  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Re Buairtel dated 12/7/72.

Philadelphia Elsur indices negative on all  
individuals listed in reairtel.10/8/93 9803R DD/SC  
315820  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 12/8/81 BY sp 5-rjg/bp

3-13-92 8123mcH/SC

- 166  
1535  
Justice
- 2 - Bureau (RM)
  - 2 - Philadelphia
  - 1 - 62-0
  - 1 - 92-2880 (ELSUR CONTROL)

JCFM:VFH  
(4)

REC 43

EX-109

DEC 13 1972

INT. SEC.

SPEC. MAIL RM.

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

F B I

Date: 12/13/72

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Priority)TO: ACTING DIRECTOR, FBI (62-112989)  
(ATTN. INTERNAL SECURITY SECTION)

FROM: SAC, SAN JUAN

ELSUR  
DAVID TYRE DELLINGER, et al. - vs  
ATTORNEY GENERAL JOHN N. MITCHELL, et al.  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS  
BUDED: 12/15/72

Re Bureau airtel dated 12/7/72.

There are no Elsur references in San Juan indices  
to any of the eight individuals named in referenced Bureau  
airtel.

REC 43

10/8/93 9803 RDD/PC  
3/5820  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/8/81 BY sp5 sig/bp

3-13-92 8123 RDD/PC

10/26/95 9803 RDD/BCE/dgm  
3/582062-112989-60  
5 DEC 16 1972

SPEC. MAIL RM.

2- Bureau

2- San Juan

WJH:m50

(4)

Approved: *[Signature]*

Special Agent in Charge.

Sent

M

Per

FBI

Date: 12-12-72

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL AIRMAIL  
(Priority)

TO: ACTING DIRECTOR, FBI (62-112989)

FROM: SAC, JACKSONVILLE (66-308)

~~JUNE~~

SUBJECT: ELSUR  
 DAVID TYRE DELLINGER, et al. - VS  
 ATTORNEY GENERAL JOHN N. MITCHELL, et al.  
 ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS  
 (ATTENTION: INTERNAL SECURITY SECTION)  
 BUDED: 12-15-72

Re Bureau airtel dated 12-7-72.

In reference to captioned matter, Jacksonville  
 is setting forth the following information in regard to  
 Department memorandum dated 11-20-72: *see 35*

1. None of the plaintiffs and/or organizations  
 mentioned in above captioned matter have been the  
 subject of electronic surveillances within the  
 Jacksonville Division.

2. The Jacksonville Division does not have  
 any information of plaintiffs and/or organizations  
 mentioned in captioned matter whose premises have  
 been the subject of electronic surveillances by the  
 FBI - Jacksonville Division.

2 - Bureau  
 1 - Jacksonville  
 SSN:cgc  
 (3)

7 DEC 14 1972

INT. SEC.  
 SPEC. MAIL RM.

55 MAR 13 1973

Approved: \_\_\_\_\_

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

Special Agent in Charge

10/8/93 9803 RDD/80 345820  
 ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 12/8/87 BY sp5/ig/ldp  
 3-13-92 8123 mcd/180  
 10/26/95 9803 RDD  
 308/100m

3. DAVID T. DELLINGER  
RENNARD C. DAVIS  
THOMAS E. HAYDEN  
JERRY C. RUBIN  
ABBOTT H. HOFFMAN  
BOBBY GEORGE SEALE  
JOHN R. FROINES  
LEE J. WEINER  
The Black Panther Party  
Student National Coordinating Committee  
Congress of Racial Equality  
Southern Conference Educational Fund  
American Servicemen's Union  
National Mobilization Committee to End  
The War in Vietnam  
New York Resistance  
Catholic Peace Fellowship  
War Resisters League

None of the plaintiffs and/or organizations listed above have been the subject of electronic surveillances wherein the premises were known to be owned, leased, or licensed by said plaintiffs.

4. None of the conversations of the individual plaintiffs in captioned matter have been overheard by the Jacksonville Division during the course of electronic surveillances of others.

5. DAVID T. DELLINGER  
RENNARD C. DAVIS  
THOMAS E. HAYDEN  
JERRY C. RUBIN  
ABBOTT H. HOFFMAN  
BOBBY GEORGE SEALE  
JOHN R. FROINES  
LEE J. WEINER

The above listed individuals have not had their conversations overheard during the course of electronic surveillances of others.

F B I

Date: 12/13/72

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Priority)TO: ACTING DIRECTOR, FBI (62-112989)  
ATTENTION: INTERNAL SECURITY SECTION

FROM: SAC, DETROIT (100-34855-Sub 2)

SUBJECT: ELSUR; ~~JUNE~~  
DAVID TYRE DELLINGER;  
ET AL, Vs.  
Attorney General JOHN N. MITCHELL;  
ET AL  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS  
BUDED: 12/15/72Re Bureau airtel to Albuquerque and other offices  
dated 12/7/72. *sw 36*Elsur indices have been reviewed at Detroit and  
with regard to individuals as set out in referenced airtel  
and accompanying departmental memorandum with negative results.② - Bureau (RM)  
1 - Detroit

RWK:clc

(3)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIEDDATE 12/8/81 BY SP 5 sig/hr10/8/93 9803 RDD/80315820Approved: [Signature]  
Special Agent in Charge

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

F B I

Date: 12/12/72

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL AIRMAIL  
(Priority)

TO: ACTING DIRECTOR, FBI (62-112989)

FROM: SAC, COLUMBIA (66-108)

SUBJECT: ELSUR  
DAVID TYRE DELLINGER, et al  
VS. ATTORNEY GENERAL JOHN N. MITCHELL, et al  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS  
(ATTENTION: INTERNAL SECURITY SECTION)

BUDED: 12/15/72

Re Bureau airtel to Albuquerque, 12/7/72. *see 36*

A review of Columbia Division files failed to reflect any information to indicate the Columbia Division has any information which has been disseminated concerning ELSUR on captioned matter. No ELSUR coverage has been afforded any of these subjects by the Columbia Division.

*10/6/95 9803 RDD/bce/dm*  
*10/8/93 9803 RDD/FC*  
*315820*  
**ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/8/81 BY sp-5 sja/lp**

- ② - Bureau (RM)  
1 - Columbia

IDL: ge  
(3)

EX-109

REC 43

4 DEC 15 1972

59 MAR 13 1973

Approved: *Twel*  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_



F B I

Date: 12/14/72

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Priority)

TO : ACTING DIRECTOR, FBI (62-112989)

~~"JUNE"~~

FROM : SAC, CINCINNATI (66-1709)

ELSUR

DAVID TYRE DELLINGER, et al. - VS  
 ATTORNEY GENERAL JOHN N. MITCHELL, et al.  
 ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS  
 (ATTENTION: INTERNAL SECURITY SECTION)  
 BUDED: 12/15/72

ReBuairtel 12/7/72 with enclosure.

Concerning the eight individuals and nine organizations mentioned in reAirtel, the following responses are keyed to the requests set forth in the enclosure:

1. None

2. None

3. a. DAVID T. DELLINGER  
 b. RENNARD C. DAVIS  
 c. THOMAS E. HAYDEN  
 d. JERRY C. RUBIN  
 e. ABBOTT H. HOFFMAN  
 f. BOBBY GEORGE SEALE  
 g. JOHN R. FROINES  
 h. LEE J. WEINER  
 i. The Black Panther Party  
 j. Student National Coordinating Committee  
 k. Congress of Racial Equality  
 l. Southern Conference Educational Fund  
 m. American Servicemen's Union  
 n. National Mobilization Committee To End  
 The War in Vietnam  
 o. New York Resistance  
 p. Catholic Peace Fellowship  
 q. War Resisters League

EX-109

REC 43

21 DEC 18 1972

2 - Bureau  
 1 - Cincinnati

CWH/jr  
 (3)

Approved: \_\_\_\_\_

Sent \_\_\_\_\_ M Per \_\_\_\_\_

Special Agent in Charge

10/8/93 9803 RDD/SC  
 ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED

DATE 12/8/81 BY SP-5 [signature]  
 3-13-92 8/23/92 [signature]

10/24/95 9803 RDD/SC [signature]

62-112989-69  
 716.7 [signature]  
 SPEC. MAIL [signature]

CI 66-1709

4. None

5. Same as 3.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11-18-83 BY 1043

F B I

Date: 12/12/72

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL : AIR MAIL - REGISTERED MAIL  
(Priority)

TO: ACTING DIRECTOR, FBI (62-112989) ~~JUNE~~  
 Attention: INTERNAL SECURITY DIVISION  
 FROM: SAC, BUFFALO (92-100-SUB II)

ELSUR  
 DAVID TYRE DELLINGER, ET AL VS  
 ATTORNEY GENERAL JOHN N. MITCHELL, ET AL  
 ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS  
 (BUDED: 12/15/72)

ReBuairtel 12/7/72. ~~2032~~

This office has brought up to date prior elsur  
 checks re pertinent individuals set forth in reairtel.  
 This additional elsur check has met with negative results.

② Bureau (AM-RM)

1 - Buffalo

EJT:bmb

(3) 10/26/95 9803RDD/BCE/dpm

REC 43

62-112987-70

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED

DATE 12/8/81 BY 519/10

3-13-92 8123 MCALJC  
 315-820  
 59 MAR 1 3 1973  
 1005

DEC 15 1972

REC-43  
 REC-43  
 REC-43

SPEC. MAIL RM.  
 SPEC. MAIL RM.

Approved: RHA/J

Special Agent in Charge

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

F B I

Date: 12/12/72

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Priority)

TO: ACTING DIRECTOR, FBI (62-112989)  
 FROM: SAC, ALBUQUERQUE [redacted]

ELSUR  
 DAVID TYRE DELLINGER;  
 ET AL - vs.  
 ATTORNEY GENERAL JOHN N. MITCHELL;  
 ET AL  
 ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS  
 (ATTENTION: INTERNAL SECURITY SECTION)  
 BUDED: 12/15/72

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED

DATE 12/8/81 BY sp5 jg/pe  
 3-13-92 8123 mcl JSC  
 315820

ReBuairtel, 12/7/72, which instructed recipients to bring prior elsur checks up to date regarding above-named individual plaintiffs and furnish information requested in enclosed memo of Assistant Attorney General A. WILLIAM OLSON dated 11/20/72.

1. None of the named plaintiffs (individuals and organizations) have been the subject of electronic surveillance by the Albuquerque Division.

2. None of the premises (owned, leased or licensed) of the named plaintiffs have been the subject of electronic surveillance by the Albuquerque Division.

3. DAVID T. DELLINGER; RENNARD C. DAVIS; THOMAS E. HAYDEN; JERRY C. RUBIN; ABBOTT H. HOFFMAN; BOBBY GEORGE SEALE; JOHN R. FROINES; LEE J. WEINER; The Black Panther Party; Student National Coordinating Committee; Congress of Racial Equality; Southern Conference Educational Fund; American Servicemen's Union; National Mobilization Committee to End the War in Vietnam; New York Resistance; Catholic Peace Fellowship and War Resisters League have not been the subjects of electronic surveillances. The premises of these plaintiffs have not been the subjects of electronic surveillances by the Albuquerque Division.

2-Bureau (RAM)  
 1-Albuquerque  
 GKM:dlb

REC 43

62-112989-11

DEC 15 1972

Approved: [signature]

Sent \_\_\_\_\_ M \_\_\_\_\_ Per \_\_\_\_\_

AIRTEL

Special Agent in Charge

4. None of the conversations of the individual plaintiffs listed in Item 3 above have been overheard during the course of electronic surveillance of others by the Albuquerque Division.

5. The conversations of DAVID T. DELLINGER; RENNARD C. DAVIS; THOMAS E. HAYDEN; JERRY C. RUBIN; ABBOTT H. HOFFMAN; BOBBY GEORGE SEALE; JOHN R. FROINES; LEE J. WEINER; The Black Panther Party; Student National Coordinating Committee; Congress of Racial Equality; Southern Conference Educational Fund; American Servicemen's Union; National Mobilization Committee to End the War in Vietnam; New York Resistance; Catholic Peace Fellowship; and War Resisters League have not been overheard during the course of electronic surveillance of others by the Albuquerque Division.

While not electronic surveillances, Albuquerque notes that SAs of the FBI recorded a speech made by BOBBY GEORGE SEALE in the East Ballroom of the Student Union Building, University of New Mexico, on 5/7/69 and a speech made by JOHN R. FROINES in the East Ballroom of the Student Union Building, University of New Mexico, on 2/8/70. This was done in accordance with instructions in Chicago airtel, 4/15/69, captioned "DISTURBANCE IN CONNECTION WITH THE DEMOCRATIC NATIONAL CONVENTION (TRAVEL OF DEFENDANTS), ARL"; Chicago airtel, 5/29/69, captioned "DAVID T. DELLINGER, aka; ET AL (TRAVEL OF DEFENDANTS), ARL - CONSPIRACY; and in Bureau airtel, 10/13/69, captioned "DAVID TYRE DELLINGER, aka; ET AL (TRAVEL OF DEFENDANTS), ARL - CONSPIRACY, OO: Chicago," Bufile 176-1410.

F B I

Date: 12/11/72

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL AIR MAIL  
(Priority)

TO: ACTING DIRECTOR, FBI (62-112989)

FROM: SAC, KANSAS CITY (94-150A)

RE: ELSUR 0 ~~JUNE~~  
DAVID TYRE DELLINGER, et al. - VS  
ATTORNEY GENERAL JOHN N. MITCHELL, et al.  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS  
(ATTENTION: INTERNAL SECURITY SECTION)  
BUDED: 12/15/72

Re Bureau airtel to Albuquerque, etc., 12/7/72 <sup>see 36</sup>

The Elsur indices in the Kansas City Division were checked re names of plaintiffs, both individuals and organizations, as set forth in referenced communication, with negative results.

10/26/95 9903 RDD/BCE/dgm  
3/5/82  
10/8/93 9803 RDD/SC  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 12/8/81 BY sp5 jg/rp

EX-109  
3-13-92 8123 me H150  
3/5/82

REC 43

62-112989-40

2-Bureau (RM)  
1-Kansas City  
JRG:aa  
(3)

DEC 15 1972

Approved: pcy  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_



F B I

Date: 12/13/72

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL AIR MAIL  
(Priority)TO: ACTING DIRECTOR, FBI (62-112989)  
Attention: Internal Security Section

FROM: SAC, NEW ORLEANS (66-1230)

SUBJECT: ELSUR  
DAVID TYRE DELLINGER, et al. - VS  
ATTORNEY GENERAL JOHN N. MITCHELL, et al.  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS  
BUDED: 12/15/72~~JUNE~~Re Bureau airtel to Albuquerque and other offices,  
12/7/72. *see 36*A review of the Elsur indices of the New Orleans  
Division is negative on the names of all individuals and  
organizations in above referenced airtel.10/26/95 9803 RDD/BCE/Dgm  
315820

10/8/93 9803 RDD/80

EX-109

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

REC 43

DATE 12/8/81 BY sp5 jg/bp

3-13-92 8123 mcl/15

315820

② - Bureau  
1 - New Orleans  
WAM/pd  
(3)62-112989-73  
DEC 15 1972INT SEC  
SPEC. MAIL RM.

59 MAR 13 1973

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

Date of Mail 12-14-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803 RDD/BOD/room  
 315820  
 10/8/93 9803 RDD/IS  
**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED**  
**DATE** 12/5/97 **BY** SP5 Aja/bp  
 3-13-92 8123 mcd/HSC  
 315820

Subject JUNE MAIL - David Tyre DellingerRemoved By 79 MAR 14 1973  
 T444File Number 62-112989-74

Permanent Serial Charge Out

Date of Mail 12-18-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/6/95 9803 RDD/BCE/dgm  
 10/8/93 9803 RDD/SP  
**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED**  
**DATE 12/9/91 BY sp 5 sig/np**  
 3-13-92 8123 MCH/SP  
 315820

Subject JUNE MAIL - David Tyre DellingerRemoved By 79 MAR 14 1973File Number 62-112989-75

Permanent Serial Charge Out

Date of Mail 12-27-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803 RDD/BCE/109m  
 10/8/93 9803 RDD/SC 315820  
**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED**  
**DATE 12/8/01 BY sp5 sig/77**  
 3-13-92 8123 mc HSC  
 315820

Subject JUNE MAIL - David Tyre Dellinger  
F444Removed By 79 MAR 14 1973File Number 62-112989-76

Permanent Serial Charge Out

Date of Mail 12-21-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803 RDD/SC/CPM  
 315820  
 10/8/93 9803 RDD/SC  
**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED**  
**DATE 12/8/81 BY sp. 5 sig/yp**  
 3-13-92 8123 mch/ISC  
 315820

Subject JUNE MAIL - David Tyre Dellinger  
F444

79 MAR 14 1973

Removed By \_\_\_\_\_

File Number 62-112989-77

Permanent Serial Charge Out

Date of Mail 12-14-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803 RDD/BCE/DM  
 10/8/93 9803 RDD/SC 315820  
**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED**  
**DATE 12/8/91 BY SP5 SJG/PP**  
 3-13-92 8123 mch/SC 315820

Subject

JUNE MAIL -

*David Tye Dellinger*

F444

Removed By

79 MAR 14 1973

File Number

62-112989-78

Permanent Serial Charge Out



Date of Mail 12-21-72

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/75 9803 RDD/BCE/100m  
 10/8/93 9803 RDD/SC 315820  
**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED**  
 DATE 12/8/91 BY SP5 SJG/rp  
 3-13-92 8123 mch/15C  
 315820

Subject

JUNE MAIL -

David Tyre Rullinger  
R444

Removed By

79 MAR 14 1973

File Number

62-112989-79

Permanent Serial Charge Out

F B I

Date: 12/12/72

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL REGISTERED MAIL  
(Priority)

TO: ACTING DIRECTOR, FBI *62-112989*  
 ATTN: INTERNAL SECURITY SECTION  
 FROM: SAC, SAN DIEGO (62- )

ELSUR  
 DAVID TYRE DELLINGER;  
 ET AL - VS  
 ATTORNEY GENERAL JOHN N. MITCHELL;  
 ET AL  
 ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

*40036* ReBuairtel to Albuquerque and other offices dated  
 12/7/72 marked "JUNE."

San Diego ELSUR indices negative regarding all  
 plaintiffs in captioned matter, both individuals and  
 organizations.

② - Bureau (RM)  
 1 - San Diego

ACG:gdf  
 (3)

REC 43

*62-112989-80*

EX-109

3-7-73  
 7 DEC 14 1972

*10/8/93 9803 RDD/SC*  
**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 12/8/81 BY SP5 SJG/bp**

*3-13-92 8123mc H180*

59 MAR 13 1973

*10/26/95 9803 RDD/SC*

Approved: *RJG*  
 Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

Date of Mail 1-8-73

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/26/95 9803 RDD/BCE/dgm  
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**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED**  
 DATE 12/2/81 BY sp 5 sig/pp

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Subject

JUNE MAIL -

David Tyre Dellinger

F444

Removed By

79 MAR 14 1973

File Number

62-112989-81

Permanent Serial Charge Out

62-112989-82, 83, 84, 85, 86, 87, 88, 89

**CHANGED TO**

176-1410-3697X, 3695X3, 3695X5,  
3695X, 3695X1, 3695X2,  
3695X4, 3697X1

APR 2 1973

CHRU/SAP

10/26/95 9803 RDD/BCE/DM  
10/8/93 9803 RDD/FC 3/5820  
**ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/8/81 BY sp 5 rjg/2p**

3-13-92 8123 mcd/SC 3/5820

C

Assistant Attorney General  
Criminal Division

Acting Director, FBI

April 30, 1973

2 - Mr. Mintz  
1 - Mr. Williamson

DAVID T. DELLINGER, et al. v.  
JOHN N. MITCHELL, et al.  
(D. D. C.) CIVIL ACTION NO. 1768-69

This matter arose from one of our investigations and former Director Hoover is named as a defendant. We would appreciate being advised of the current status of this matter.

*JW* JLW/llr  
(6) *llr*

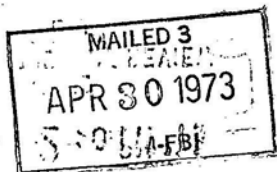
NOTE: This involves a civil action filed by Dellinger, the other members of the so-called "Chicago Seven," and several organizations, against the former Director and Attorney General, alleging illegal electronic surveillance.

10/26/95 9803 RDD/BCE/DOm 3/5820  
10/8/93 9803 RDD/SC  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/8/81 BY sp5 sjg/vp  
3-13-92 8123 mch/SC  
3/5820

REC-106

62-112987-90

1973



Felt \_\_\_\_\_  
Baker \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Cleveland \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Gebhardt \_\_\_\_\_  
Mr. Jenkins \_\_\_\_\_  
Mr. Marshall \_\_\_\_\_  
Mr. Miller, E.S. \_\_\_\_\_  
Mr. Soyars \_\_\_\_\_  
Mr. Thompson \_\_\_\_\_  
Mr. Walters \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Kinley \_\_\_\_\_  
Mr. Armstrong \_\_\_\_\_  
Mr. Bowers \_\_\_\_\_  
Mr. Herington \_\_\_\_\_  
Ms. Herwig \_\_\_\_\_  
Mr. Mintz \_\_\_\_\_  
Mrs. Neenan \_\_\_\_\_

55015  
TELETYPE UNIT

Assistant Attorney General  
Criminal Division

July 31, 1973

Director, FBI

1 - Mr. Mintz  
1 - Mr. Williamson

DAVID T. DELLINGER, et al. v.  
JOHN N. MITCHELL, et al.  
(D.D.C.) CIVIL ACTION NO. 1768-69

Your memorandum dated May 3, 1973, advised us  
the pretrial conference in captioned matter was continued to  
June 30, 1973.

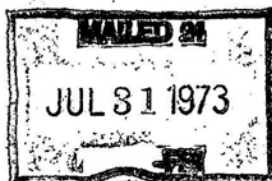
We would appreciate being advised of the current  
status and if there is anything further we may do to assist in the  
defense of this suit.

NOTE: This civil litigation filed by David Dellinger, the other members  
of the so-called "Chicago Seven" and several organizations alleges  
that the defendants, which include former Director Hoover and former  
Attorney General Mitchell, illegally conducted electronic surveillances  
of plaintiffs.

JLW:deh  
(5)

3-13-92 8123mc 81/PC  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/8/81 BY 10126/95 9837DD  
10/18/02 9803 RDD/SC  
315820  
REC-9 2-112989

Assoc. Dir. \_\_\_\_\_  
Asst. Dir.: \_\_\_\_\_  
Admin. \_\_\_\_\_  
Comp. Syst. \_\_\_\_\_  
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Spec. Inv. \_\_\_\_\_  
Training \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Cong. Serv. \_\_\_\_\_  
Corr. & Crm. \_\_\_\_\_  
Research \_\_\_\_\_  
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20 AUG 2 1973

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Date of Mail 9/7/73

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/8/93 9803 RDD/BC/Don  
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**ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED**

DATE 12/8/87 BY sp 5 sig/yp  
 3-13-92 8123mc #150  
 315820

10/26/95 9803 RDD/BC/Don

Subject JUNE MAIL DAVID T. DELLINGER; JOHN N. MITCHELLRemoved By 79 NOV 6 1973File Number 62-112989-95

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Permanent Serial Charge Out

Date of Mail 11/1/73

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/8/93 9803RDD/PC 315822  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/8/81 BY SP5 RJA/TP  
3-13-92 8123 mcl/150  
10/26/95 9803RDD/KCE/dgm 315822

Subject JUNE MAIL DAVID T. DELLINGER

Removed By 79 NOV 12 1973 JAB

File Number 62-112989-96

Permanent Serial Charge Out

Date of Mail 11/21/73

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

10/8/83 9803 RDD/JO  
315820  
**ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED**  
**DATE** 12/8/81 **BY** SP 5/19/81

3-13-92 8123mc H/JO  
315820

10/26/95 9803 RDD/BCE/dqmm

Subject JUNE MAIL DAVID T. DELLINGER

Removed By 79 DEC 6 1973

File Number 62-112989-97

Permanent Serial Charge Out

Date of Mail 1/25/74

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

10/8/93 9803 RDD/BCE  
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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 12/8/81 BY sp 519/24

3-13-92 8123 RDD/BCE

10/26/95 9803 RDD/BCE DPM  
3/5820

Subject JUNE MAIL DAVID T. DELLINGER

Removed By 79 FEB 5 1974

File Number 62-112989-98

Permanent Serial Charge Out

Date of Mail 1/25/74

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

10/8/93 9803RDD/STC 315820  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/8/81 BY sp 519/hp  
3-13-92 8123 mcl/STC  
10/26/95 9803RDD/BCE/DM 315820

Subject JUNE MAIL DAVID T. DELLINGER

Removed By 79 FEB 5 1974

File Number 62-112989-99

Permanent Serial Charge Out

Date of Mail 1/24/74

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

10/8/93 9803 RDD/SC  
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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/8/81 BY sp 5/19/77  
3-13-92 8123 mcd/SC  
315820  
10/26/95 9803 RDD/BCE/DPm

Subject JUNE MAIL DAVID T. DELLINGER

Removed By 79 FEB 5 1974

File Number 62-112989-100

Permanent Serial Charge Out



Date of Mail 2/4/74

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 12/8/81 BY sp5 jg/vp

3-13-92 8123 mcd HSC

10/7/93 315820

9803 RDD HSC

10/24/95 9803 RDD/BCE/OPM 315820

K180

Subject JUNE MAIL DAVID T. DELLINGER

Removed By 79 FEB 19 1974

File Number 62-112989-101

Permanent Serial Charge Out

# Memorandum

DATE: 2/1/74

1 - Mr. A. B. Fulton  
1 - Mr. G. C. Moore  
1 - Mr. R. L. Shackelford  
1 - Mr. R. J. Deily

FROM : F. S. Putman *FSP/12*

SUBJECT: DAVID T. DELLINGER, ET AL, VS  
ATTORNEY GENERAL JOHN N. MITCHELL, ET AL,  
ALLEGED VIOLATION OF CONSTITUTIONAL RIGHTS

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.: \_\_\_\_\_  
Admin. \_\_\_\_\_  
Comp. Syst. \_\_\_\_\_  
Ext. Affairs \_\_\_\_\_  
Files & Com. \_\_\_\_\_  
Gen. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Plan. & Eval. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Training \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director Sec'y \_\_\_\_\_

The purpose of this memorandum is to seek approval of attached memorandum.

Instant matter is a civil suit filed in 1969 against former Attorney General John Mitchell, and others, seeking damages for alleged illegal electronic surveillance coverage of the plaintiffs in the past and injunctive relief against such coverage in the future. Remaining plaintiffs include the "Chicago 8" and four organizations, including the Black Panther Party.

By memorandum dated 1/18/74 (copy attached for ready reference) the Department requested information with which to respond to plaintiffs' interrogatories; that response was ordered by the court. The interrogatory sought extremely extensive information and after conversations with the Criminal Division, the requested information was narrowed to: exact periods of coverages; persons in whose names pertinent telephones were registered; whether trespass involved; contents of instructions to the field regarding coverages; instances wherein court order or Attorney General authority for coverage was sought and denied; instances where coverages were conducted under the "emergency situation" provision of Title III legislation (that portion of Omnibus Crime Bill establishing procedures for court-ordered electronic surveillance); and use made of information disclosed by coverages.

The Department initially also requested the identity of persons through whose cooperation the coverages may have been installed but agreed to withdraw that request at this time. The basis for our objection to disclosing that information is set forth in detail in the attached memorandum. 117909-102

Enclosures - 2

62-112989

RJD: rbs *ms*  
(9)

CONTINUED - OVER

4 FEB 7 1974

51 FEB 12 1974

Memorandum to Mr. W. R. Wannall  
Re: David T. Dellinger, Et Al, VS  
Attorney General John N. Mitchell, Et Al,  
Alleged Violation of Constitutional Rights  
62-112989

The Department also requested facts concerning six of the surveillances involved with which to support a request for the Attorney General's approval to assert executive privilege as a means of withholding information from the plaintiffs; that information was previously forwarded to the Department by memorandum dated 1/25/74.

This matter has been coordinated with the Office of Legal Counsel and with the Laboratory.

RECOMMENDATION:

Recommend approval of attached memorandum to the Criminal Division responding to its request as described above, except for information concerning one surveillance request rejected by the Attorney General concerning the Black Panther Party. That information will be forwarded by separate communication.

*WRC*  
*EM*  
*ADD/ESF*  
*WRL*  
*7*  
*CID*  
*Dec 1970*  
*HW*  
*JAN*